

1<sup>st</sup> ed.  
4/6

S I X

# PAPERS,

B Y

Gilbert Burnet, D.D.

To which is Added,

I. *An Apology for the Church of England, &c.*

A N D

II. *An Enquiry into the Measures of Submission  
to the Supream Authority, &c.*

---

By the same Author.

---

L O N D O N;

Printed in the Year M DC LXXXIX.

428

470

481

221

Y 3

Gilbert R. D.

To which is added

and

LONDON



# REASONS against the Repealing the *Acts of Parliament* concerning the *Test*, humbly offered to the Consideration of the *Members of both Houses*, at their next Meeting.

I. IF the just Apprehensions of the Danger of *Papery* gave the Birth to the *two Laws* for the *two Tests*, the one with relation to all *publick Employments* in 73. and the other with relation to the *Constitution* of our *Parliaments* for the future in 78. the present time and conjecture does not seem so proper for repealing them; unless it can be imagined, that the *Danger of Papery* is now so much less than it was formerly, that we need be no more on our guard against it. We had a *King*, when these *Laws* were enacted, who as he declared himself to be of the *Church of England*, by receiving the *Sacrament* four times a year in it, so in all his *Speeches* to his *Parliaments*, and in all his *Declarations* to his *Subjects*, he repeated the assurances of his firmness to the *Protestant Religion* so solemnly and frequently, that if the saying of a thing often gives just reason to believe it, we had as much reason as ever People had to depend upon him: and yet for all that, it was thought necessary to fortify those Assurances with *Laws*: and it is not easie to imagin, why we should throw away those, when we have a *Prince* that is not only of another Religion himself, but that has expressed so much steadiness in it, and so much zeal for it, that one would think we should rather now seek a further security, than throw away that which we already have.

II. Our *King* has given such Testimonies of his Zeal for his Religion, that we see among all his other *Royal Qualities*, there is none for which he desires and deserves to be so much admired. Since even the passion of Glory, of making himself the terror of all *Europe*, and the Arbitrer of *Christendom* (which as it is natural to all *Princes*, so must it be most particular-

ly so to one of his *Marrial* and *Noble Temper*) yields to his Zeal for his *Church*; and that he, in whom we might have hoped to see our *Edward* the Third, or our *Henry* the Fifth revived, chooses rather to merit the heightning his degree of Glory in another World, than to Acquire all the Lawrels and Conquests that this low and vile World can give him; and that, instead of making himself a terror to all his Neighbours, he is contented with the humble Glory of being a terror to his own People; so that instead of the great Figure which this Reign might make in the World, all the News of *England* is now only concerning the practices on some fearful Mercenaries. These things shew, That His Majesty is so possessed with his Religion, that this cannot suffer us to think, that there is at present no danger from *Papery*.

III. It does not appear by what we see, either abroad or at home, that *Papery* has so changed its nature, that we have less reason to be afraid of it at present, than we had in former time. It might be thought ill nature to go so far back, as to the Councils of the *Lateran*, that decreed the *Extirpation* of *Hereticks*, with severe Sanctions on those *Princes* that failed in their Duty, of being the Hangmen of the *Inquisitors*; or to the Council of *Constance*, that decreed, that *Princes* were not bound to keep their Faith to *Hereticks*; tho it must be acknowledged, that we have extraordinary Memories if we can forget such things, and more extraordinary Understandings if we do not make some inferences from them. I will not stand upon such inconsiderable Trifles as the Gunpowder-Plot, or the Massacre of *Ireland*; but will take the liberty to reflect a little on what that Church has done since those *Laws* were made, to give us

kinder and softer thoughts of them, and to make us the less apprehensive of them. We see before our Eyes what they have done, and are still doing in *France*; and what feeble things *Edicts*, *Coronation Oaths*, *Laws* and *Promises*, repeated over and over again, proved to be, where that Religion prevails; and *Louis le Grand* makes not so contemptible a Figure in that Church, or in our Court, as to make us think that his example may not be proposed as a Pattern, as well as Aid may be offered for an encouragement to do the same things in *England*, that he is now doing with so much Applause in *France*; and he may be perhaps the rather desired from hence to put him a little in countenance, when so great a King as ours is willing to forget himself so far as to copy after him, and to depend upon him: so that as the Doctrine and Principles of that Church must be still the same in all Ages and Places, since its chief pretension is, That it is *Infallible*, it is no unreasonable thing for us to be afraid of those, who will be easily induced to burn us a little here, when they are told, that such fervent Zeal will save them a more lasting burning hereafter, and will perhaps quit all scores so entirely, that they may hope scarce to endure a Singeing in Purgatory for all their other Sins.

IV. If the severest Order of the Church of *Rome*, that has breathed out nothing but Fire and Blood since its first formation, and that is even decry'd at *Rome* it self for its Violence, is in such credit here; I do not see any inducement from thence to persuade us to look on the Councils that are directed by that Society, as such harmless and inoffensive things, that we need be no more on our guard against them. I know not why we may not apprehend as much from *Father Petre*, as the *French* have felt from *Pere de la Chaise*, since all the difference that is observed to be between them, is, That the *English Jesuite* has much more Fire and Passion, and much less Conduct and Judgment than the *French* has. And when *Rome* has expressed so great a Jealousie of the Interest that that Order had in our Councils, that *F. Morgan*, who was thought to influence our *Ambassador*, was ordered to leave *Rome*, I do not see why *England* should look so tamely on them. No reason can

be given why *Card. Howard* should be shut out of all their Councils, unless it be, that the Nobleness of his Birth, and the Gentleness of his Temper, are too hard even for his Religion and his Purple, to be mastered by them. And it is a Contradiction, that nothing but a Belief capable of receiving *Transubstantiation* can reconcile, to see Men pretend to observe Law, and yet to find at the same time an *Ambassador* from *England* at *Rome*, when there are so many Laws in our Book of Statutes, never yet Repealed, that have declared over and over again all Commerce with the Court and See of *Rome* to be High Treason.

V. The late famous Judgment of our Judges, who knowing no other way to make their Names immortal, have found an effectual one to preserve them from being ever forgot, seems to call for another Method of Proceeding. The President they have set must be Fatal either to them or us. For if Twelve Men, that get into Scarlet and Furs, have an Authority to dissolve all our Laws, the *English Government* is to be hereafter lookt at with as much Scorn, as it has hitherto drawn Admiration. That doubtful Words of *Laws*, made so long ago, that the intention of the *Lawgivers* is not certainly known, must be expounded by the Judges, is not to be question'd: but to infer from thence, that the plain Words of a Law so lately made, and that was so vigorously asserted by the present Parliament, may be made void by a Decision of theirs, after so much practice upon them, is just as reasonable a way of Arguing, as theirs is, who because the Church of *England* acknowledges that the Church has a power in Matters of Rites and Ceremonies, will from thence conclude, That this power must go so far, that tho Christ has said of the Cup, *Drink ye all of it*, we must obey the Church when she decrees that we shall not drink of it. Our Judges for the greater part, were Men that had past their Lives in so much Retirement, that from thence one might have hoped, that they had studied our Law well, since the Bar had called them so seldom from their Studies; and if practice is thought often hurtful to Speculation, as that which disorders and hurries the Judgment, they who had practised so little in our Law, had no  
byafs

Byas on their Understandings : and if the habit of taking Money as a Lawyer is a dangerous preparation for one that is to be an incorrupt Judge, they should have been incorruptible, since it is not thought, that the greater part of them got ever so much Money by their Profession as pay'd for their Furs. In short, we now see how they have merited their Preferment, and they may yet expect a further Exaltation when the Justice and the Laws of *England* come to be in hands, that will be as careful to preserve them, as they have been to destroy them. But what an Infamy will it lay upon the Name of an *English Parliament*, if instead of calling those *Betrayers of their Country* to an account, they should go by an after-game to confirm what these *Fellows* have done.

VI. The late *Conferences* with so many *Members of both Houses*, will give such an ill-natur'd piece of jealousy against them, that of all persons living, that are the most concerned to take care how they give their *Votes*, the World will believe, that *Threatnings* and *promises* had as large a share in those *secreet Conversations*, as Reasoning or Persuasion : and it must be a more than ordinary degree of Zeal and Courage in them, that must take off the Blot, of being *sent for*, and *spoke to*, on such a subject and such a manner. The worthy Behaviour of the *Members* in the last *Session*, had made the *Nation* unwilling to remember the Errors committed in the first *Election* : and it is to be hoped, that they will not give any cause for the future to call that to mind. For if a *Parliament*, that had so many flaws in its first Conception, goes to repeal Laws, that we are sure were made by *Legal-parliaments*, it will put the *Nation* on an Enquiry that nothing but necessity will drive them to. For a *Nation* may be laid asleep, and be a little cheated; but when it is awaked, and sees its danger, it will not look on and see a *Rape* made on its *Religion* and *Liberties*, without examining from whence have these *Men this Authority*? they will hardly find that it is of *Men*; and they will not believe that it is of *God*. But it is to be hoped, that there will be no occasion given for this angry question which is much easier made than answered.

VII. If all that were now asked in favour of *popery*, were only some Gentleness towards the

*papists*, there were some reason to entertain the *Debate*, when the Demand were a little more modest : if *Men* were to be attained of *Treason*, for being *Reconciled* to the *Church of Rome*; or for *Reconciling* others to it; if *Priests* were demanded to be hanged, for taking Orders in the *Church of Rome*; and if the *two thirds* of the *papists Estates* were offered to be *Levied*, it were a very natural thing to see them uneasy and restless : but now the matter is more barbarous; they are not contented to live at ease, and enjoy their *Estates*; but they must carry all before them : and *F. Pierre* cannot be at quiet, unless he makes as great a *Figure in our Court*, as *Pere de la Chaise* does at *Verailles*.

A Cessation of all Severities against them; is that to which the *Nation* would more easily submit; but it is their Behaviour that must create them the continuance of the like Compassion in another *Reign*. If a restless and a persecuting *Spirit* were not inherent in that *Order* that has now the *Ascendants*, they would have behaved themselves so decently under their present Advantages; as to have made our *Dissinners*, that have charged them so heavily, look a little out of countenance : and this would have wrought more on the good Nature of the *Nation*, and the princely Nobleness of the *Successors* whom we have in view, than those *Acts of Craft and Violence*, to which we see their *Temper* carry them even so early, before it is yet time to show themselves. The Temper of the *English Nation*, the Heroical Virtues of those whom we have in our Eyes, but above all, our most *holy Religion*, which instead of *Revenge* and *Cruelty*, inspires us with *Charity* and *Mercy*, even for *Enemies*, are all such things, as may take from the Gentlemen of that *Religion* all sad apprehensions, unless they raise a Storm against themselves, and provoke the *Justice of the Nation* to such a degree, that the *Successors* may find it necessary to be *Just*, even when their own Inclinations would rather carry them to *show Mercy*. In short, they need fear nothing but what they create to themselves : so that all this stir that they keep for their own *Safety*, looks too like the securing to themselves Pardons for the Crimes that they intend to commit.

VIII. I know it is objected as no small prejudice.

Judice against these *Laws*, that the very making of them discovered a particular Malignity against *His Majesty*, and therefore it is ill Manners to speak for them. The first had perhaps an Eye at his being then *Admiral*, and the last was possibly levelled at him: though when that was discovered, he was excepted out of it by a special proviso; And as for that which pass'd in 73, I hope it is not forgot, that it was enacted by that *Loyal Parliament*, that hath settled both the *Prerogative* of the Crown and the Rites of the Church, and that had given the King more Money than all the *Parliaments of England* had ever done in all former Times. A *Parliament* that had indeed some Disputes with the King but upon the first step that he made with relation to Religion or Safety, they shewed how ready they were to forget all that was past: as appeared by their Behaviour after the *Triple Alliance*. And in 73. though they had great cause given them to dislike the *Dutch War*, especially the strange beginning of it upon the *Smirna Fleet*: and the stopping the *Exchequer*, the Declaration for Toleration, and the *Writes* for the Members of the House, were Matters of hard Digestion; yet no sooner did the King give them this new assurance for their Religion then, though they had very great Reasons given them to be jealous of the War, yet since the King was Engaged, they gave him 1100000 pounds for carrying it on; and they thought they had no ill Penniworths for their Money, when they carried home with them to their Countries this new Security for their Religion, which we are now desired to throw up, and which the Reverend Judges have already thrown out as a Law out of date. If this had carried in it any new piece of Severity, their Complaints might be just; but they are extream tender, if they are so uneasy under a Law that only gives them Leisure and Opportunities to live at Home. And the last Test, which was intended only for shutting them out from a share in the Legislative Body, appears to be just, that one is rather amazed to find that it was so long a doing, than that it was done at last; and since it is done, it is great presumption on our Understandings to think, that we

should be willing to part with it. If it was not sooner done, it was because there was not such cause given for Jealousie to work upon: but what has appeared since that time, and what has been Printed in his Majesties Name, shews the World now, that the Jealousies which occasion'd those Laws, were not so ill grounded, as some well meaning Men perhaps then believed them to be. But there are some times in which all Mens Eyes come to be opened.

IX. I am told, some think it is very indecent to have a Test for our Parliaments, in which the King's Religion is accused of Idolatry; but if this reason is good in this particular, it will be still as good against several of the Articles of our Church, and many of the Homilies. If the Church and Religion of this Nation is so formed by Law, that the King's Religion is declared over and over again to be Idolatrous, what help is there for it? It is no other, than it was when His Majesty was Crowned, and Swore to Maintain our Laws.

I hope none will be wanting in all possible Respect to his Sacred Person; and as we ought to be infinitely sorry to find him engaged in a Religion which we must believe Idolatrous, so we are far from the ill manners of reflecting on his Person, or calling him an Idolater: for as every Man that reports a Lye, is not for that to be called a Lyar; so that tho' the ordering the Intention, and the prejudice of a mis-persuasion are such abatements, that we will not rashly take on us to call every Man of the Church of Rome an Idolater; yet on the other hand, we can never lay down our Charge against the Church of Rome as guilty of Idolatry, unless at the same time we part with our Religion.

X. Others give us a strange sort of Argument, to persuade us to part with the Test; they say, "The King must employ his Popish Subjects, for he can trust no other; and he is so assured of their Fidelity to him, that we need apprehend no Danger from them. This is an odd Method to work on us, to let in a sort of People to the Parliament and Government, since the King cannot trust us, but will depend on them: so that as soon as this Law

Law is repealed, they must have all the Employments, and have the whole Power of the Nation lodged in their hands; this seems a little to gross to impose, even on *Irishmen*. The King saw for many Years together, with how much Zeal both the Clergy, and many of the Gentry appeared for his Interests; and if there is now a Melancholy Damp on their Spirits, the King can dissipate it when he will; and as the Church of *England* is a Body that will never Rebel against him, so any Sollempness under which the late Administration of Affairs has brought them, would soon vanish, if the King would be pleas'd to remember a little what he has so often promised, not only in Publick but in Private; and would be contented with the Exercise of his own Religion, without imbroiling his whole

Affairs, because *F. Petre* will have it so; and it tempts Englishmen to more than ordinary degrees of Rage, against a sort of Men, who it seems, can infuse in a Prince, born with the highest Sense of Honour possible, Projects, to which without doing some Violence to his own Royal Nature, he could not so much as hearken to, if his Religion did not so fatally muffle him up in a blind Obedience. But if we are so unhappy, that Priests can so disguise Matters, as to mis-lead a Prince, who without their ill Influences would be the most Glorious Monarch of all *Europe*, and would soon reduce the Grand *Louis* to a much humbler Figure, yet it is not to be so much as imagined, that ever their Arts can be so unhappily successful, as to impose on an English Parliament composed of Protestant Members.

## Some REFLECTIONS on His Majesties Proclamation of the Twelfth of February, 1686. for a Toleration in *Scotland*, together with the said Proclamation.

I. **T**HE Preamble of a Proclamation is oft writ in haste, and is the flourish of some wanton Pen: but one of such an Extraordinary nature as this is, was probably more severely Examined; there is a new designation of his Majesties Authority here set forth of his *Absolute Power*, which is so often repeated, that it deserves to be a little searched into. Prerogative Royal and Sovereign Authority, are Terms already received and known; but for this *Absolute Power*, as it is a new Term, so those who have coined it, may make it signify what they will. The *Roman Law* speaks of *Principes Legibus soluti*, and *Absolute* in its natural signification, importing the being without all Ties and Restraints; then the true meaning of this seems to be, that there is an Inherent Power in the King, which can neither be restrained by Laws, Promises, nor Oaths; for

nothing less than the being free from all these, renders a Power *Absolute*.

II. If the former Term seemed to stretch our Allegiance, that which comes after it, is yet a step of another nature, tho' one can hardly imagine what can go beyond *Absolute Power*; and it is in these Words, *Which all our Subjects are to obey without reserve*. And this is the carrying Obedience many fies beyond what the Grand Seigneur ever yet claimed: For all Princes, even the most violent Pretenders to *Absolute Power*, till *Lewis* the Great's time, have thought it enough to oblige their Subjects to submit to their Power, and to bear whatsoever they thought good to impose upon them; but till the Days of the late Conversions by Dragoons, it was never so much as pretended, that Subjects were bound to Obey their Prince *without Reserve*, and to be of his Religion, because he would have so. Which was the



the only Argument that those late Apostles made use of; so it is probable this qualification of the Duty of Subjects was put in here, to prepare us for a terrible *Roy le veut*; and in that case we are told here, that we must Obey without Reserve; and when those severe Orders come, the Privy Council, and all such as execute this Proclamation will be bound by this Declaration to shew themselves more forward than any others, to Obey without Reserve: and those poor pretensions of Conscience, Religion, Honour, and Reason, will be then reckoned as Reserves upon their Obedience, which are all now shut out.

III. These being the grounds upon which this Proclamation is founded, we ought not only to consider what consequences are now drawn from them, but what may be drawn from them at any time hereafter; for if they are of force, to justify that which is inferred from them, it will be full as just to draw from the same premises an Abolition of the Protestant Religion, of the Rights of the Subjects, not only to Church-Lands, but to all Property whatsoever. In a word, it asserts a Power to be in the King, to Command what he will, and an Obligation in the Subjects, to Obey whatsoever he shall Command.

IV. There is also mention made in the Preamble of the *Christian Love and Charity*, which His Majesty would have established among Neighbours; but another dash of Pen, founded on this *Absolute Power*, may declare us all Hereticks; and then in wonderful Charity to us, we must be told, that we are either to Obey without Reserve, or to be Burnt without Reserve. We know the Charity of that Church pretty well: It is indeed Fervent and Burning; and if we have forgot what has been done in former Ages, *France, Savoy, and Hungary*, have set before our Eyes very fresh instances of the Charity of that Religion. While those Examples are so green, it is a little too imposing on us, to talk to us of *Christian Love and Charity*. No doubt His Majesty means sincerely, and his Exactness to all his Promises, chiefly to those made since he came

to the Crown, well not suffer us to think an unbecoming Thought of his Royal-Intentions; but yet after all, tho' it seems by this Proclamation, that we are bound to Obey without Reserve, it is hardship upon hardship to be bound to Believe without Reserve:

V. There are a sort of people here Tolerated, that will be hardly found out: and these are the Moderate Presbyterians: Now, as some say, that there are very few of the People in Scotland that deserves this Character, so it is hard to tell what it amounts to; and the calling any of them Immoderate, cuts off all their share in this Grace. Moderation is a quality that lyes in the mind, and how this will be found out, I cannot so readily guess. If a Standard had been given of Opinions or Practices, then one could have known how this might have been distinguished; but as it lyes, it will not be easie to make the Discrimination; and the declaring them all Immoderate, shuts them out quite.

VI. Another Foundation laid down for repealing all Laws made against the Papists, is, That they were Enacted in King James the Sixth's Minority: with some harsh expressions, that are not to be insisted on, since they shew more the heat of the Penner, than the Dignity of the Prince, in whose name they are given out; But all these Laws were ratified over and over again by King James, when he came to be of full Age: and they have received many Confirmations by King Charles the First, and King Charles the second, as well as by his present Majesty, both when he represented his Brother in the Year 1681, and since he himself came to the Crown: so that whatsoever may be said concerning the first Formation of those Laws, they have received now for the course of a whole hundred Years, that are lapsed since King James was of full Age, so many Confirmations, that if there is any thing certain in Human Government, we might depend upon them; but this new coyned *Absolute Power* must carry all before it.

VII. It is also well known, that the whole Settlement of the Church-Lands and Tythes, with many other things, and more particularly the Establishment of the Protestant Religion,

gion, was likewise enacted in King *James's* minority, as well as those Penal Laws: so that the Reason now made use of to annul the Penal Laws, will serve full as well for another Act of this *absolute power*, that shall abolish all those; and if *Maximes* that unhinge all the Securities of Humane Society, and all that is sacred in Government, ought to be lookt on with the justest and deepest prejudices possible, one is tempted to lose the respect that is due to every thing that carries a Royal Stamp upon it, when he sees such grounds made use of, as must shake all Settlements whatsoever; for if a prescription of 120 Years, and Confirmations reiterated over and over again these 100 Years past, do not purge some Defects in the first Formation of those Laws, what can make us secure: but this looks so like a Fetch of the French Prerogative Law, both in their processs with Relation to the Edict of *Nantes*, and those concerning Dependences at *Mess*, that this seems to be a Copy from that famous Original.

VIII. It were too much ill nature to look into the History of the last Age, to examine on what grounds those Characters of *pious* and *blessed* given to the Memory of *Q. Mary* are built, but since *K. James's* Memory has the character of *glorious* given to it, if the Civility of the fair Sex makes one unwilling to look into one, yet the other may be a little dwelt on. The peculiar Glory that belongs to *K. James's* Memory, is, that he was a Prince of great Learning, and that he employed it chiefly in writing for his Religion: of the Volume in *Folio* in which we have his Works, two thirds are against the Church of *Rome*, one part of them is a Commentary on the Revelation, proving that the Pope is Antichrist; another part of them belonged more naturally to his Post Dignity: which is the warning that he gave to all the Princes and States of *Europe*, against the Treasonable and Bloody Doctrines of the Papacy. The first Act he did when he came of Age, was to swear in person with all his Family, and afterwards with all his people of *Scotland*, a Covenant, containing an Enumeration of all the points of Popery, and a most solemn Renunciation of them, some-

what like our Parliament Test: his first Speech to the Parliament of *England* was Copious on this Subject: and he left a Legacy of a Wish on such of his Posterity as should go over to that Religion, which in good manners is suppressed. It is known, *K. James* was no Conqueror, and that he made more use of his Pen than his Sword: so the Glory that is peculiar to his Memory must fall chiefly on his Learned and Immortal Writings: and since there is such a Veneration expressed for him, it agrees not ill with this, to wish, that his Works were more studied by those who offer such Incense to his *Glorious* Memory.

IX. His Majesty assures his people of *Scotland*, upon a certain Knowledge and long Experience, that the Catholics, as they are good Christians, so they are likewise Dutiful Subjects: but if we must believe both these equally, then we must conclude severely against their being good Christians; for we are sure they can never be good Subjects, not only to a Heretical Prince if he does not extirpate Hereticks; for their beloved Council of the Lateran, that decreed Transubstantiation has likewise decreed, that if a Prince does not extirpate Hereticks out of his Dominions, the Pope must depose him, and declare his Subjects absolved from their Allegiance, and give his Dominions to another: so that even His Majesty, how much soever he may be a Zealous Catholic, yet cannot be assured of their fidelity to him, unless he has given them secret Assurances, that he is resolved to extirpate Hereticks out of his Dominions; and that all the Promises which he now makes to these poor wretches are no other way to be kept, than the Assurance which the Great *Lewis* gave to his Protestant Subjects, of his observing still the Edict of *Nantes* even after he had resolved to break it, and also his last promise made in the Edict, that repealed the Edict of *Nantes*, by which he gave Assurances, that no Violence should be used to any for their Religion, in the very time that he was ordering all possible Violences to be put in execution against them.

X. His Majesty assures us, that on all Occasions the Papists have shewed themselves good and faithful Subjects to him and his Roy-



at Predecessors; but how *Absolute* soever the King's Power may be, it seems his Knowledge of History is not so *Absolute*, but it may be capable of some improvement. It will be hard to find out what Loyalty they shewed on the Gunpowder-plot, or during the whole progress of the Rebellion of Ireland; if the King will either take the words of King James of *Glorious Memory*, or King Charles the First, that was indeed of *pious* and *blessed* Memory, rather than the penners of this Proclamation, it will not be hard to find Occasions where they were a little wanting in this their so much boasted Loyalty: and we are sure, that by the Principles of that Religion, the King can never be assured of the Fidelity of those he calls his Catholic Subjects, but by engaging to them to make his Heretical Subjects Sacrifices to their Rage.

XI. The King declares them capable of all the Offices and Benefices which he shall think fit to bestow on them, and only restrains them from invading the Protestant Churches by force: so that here a Door is plainly opened for admitting them to the Exercise of their Religion in Protestant Churches, so they do not break into them by force; and whatsoever may be the Sense of the term *Benefice* in its ancient and first signification, now it stands only for Church Preferments; so that when any Churches, that are at the Kings Gift, fall vacant, here is a plain intimation, that they are to be provided to them; and then it is very probable, that all the Laws made against such as go nor to their parish Churches, will be severely turned upon those that will not come to Mass.

XII. His Majesty does in the next place, in in the virtue of his *Absolute Power*, Annul a great many Laws, as well those that Established the Oaths of Allegiance and Supremacy, as the late Test, enacted by himself in person, while he represented his Brother: upon which he gave as strange an Essay to the World of his *Absolute Justice* in the Attainder of the late Earl of Argyle, as he does now of his *Absolute Power* in condemning the Test itself; he also repeals his own Confirmation of the Test, since he came to the Crown, which he offered as the clearest Evidence that he could give of his Re-

solution to maintain the Protestant Religion; and by which he gained so much upon that Parliament, that he obtained every thing from them that he desired of them; till he came to try them in the Matters of Religion. This is no Extraordinary Evidence to assure his people, that his promises will be like the Laws of the Medes and Persians, which alter not; nor will the disgrace of the Commissioner that enacted that Law, lay this matter wholly on him; for the Letter, that he brought, the Speech that he made, and the Instructions which he got, are all too well known to be so soon forgotten: and if Princes will give their Subjects reason to think, that they forget their Promises, as soon as the turn is served for which they were made, this will be too prevailing a Temptation on the Subjects to mind the Princes promise as little as it seems he himself does, and will force them to conclude, that the Truth of the Prince is not so *Absolute* as it seems he fancies his Power to be.

XIII. Here is not only a repealing of a great many Laws, and established Oaths and Tests, but by the Exercise of the *Absolute Power*, a new Oath is imposed, which was never pretended to by the Crown in any former time, and as the Oath is created by this *Absolute Power*, so it seems the *Absolute Power* must be supported by this Oath: since one branch of it, is an Obligation to Maintain His Majesty and His Lawful Successors, in the Exercise of this their *Absolute Power* and Authority against all deadly, which I suppose is Scotch for Mortals: now to impose so hard a yoke as this *Absolute power* on the Subject, seems no small stretch; but it is a wonderful exercise of it to oblige the Subjects to defend this: it had been more modest, if they had been only bound to bear it, and submit to it: but it is a terrible thing so far to extinguish all the remnants of natural Liberty, or of a Legal Government, as to oblige the Subjects by Oath to maintain the Exercise of this, which plainly must destroy themselves: for the short execution by the Bow-strings of Turkey, or by sending Orders to Men to return in their Heads, being an Exercise of this *Absolute power*, it is a little too hard to make men swear to maintain the King in it: and if that

Kingdom

Kingdom has suffered so much by the many Oaths that have been in use among them, as is marked in this Proclamation, I am afraid this new Oath will not much mend the matter.

XIV. Yet after all, there is some Comfort; His Majesty assures them, he will use no Violence nor Force, nor any *Invincible Necessity* to any man on the account of his persuasion: It were too great a want of respect to fancy, that a time may come in which even this may be remembered, full as well, as the promises that were made to the Parliament after His Majesty came to the Crown: I do not I Confess, apprehend that; for I see here so great a Caution used in the Choice of these words, that it is plain, very great severities may very well consist with them: It is clear, that the general words of Violence and Force are to be determined by these last of *Invincible Necessity*, so that the King does only promise to lay no *Invincible Necessity* on his Subjects; but for all Necessities that are not *Invincible*, it seems they must expect to bear a large share of them; Disgraces, want of Employments, Fines and Imprisonments, and even Death it self are all *Vincible* things to a man of a firmness of mind: so that the Violences of Torture, the Furies of Dragoons, and some of the Methods now practised in France, perhaps may be included within this promise; since these seem almost *Invincible* to Humane Nature, if it is not fortified with an Extraordinary measure of Grace: but as to all other things, His Majesty binds himself up from no part of the Exercise of His *Absolute power* by this promise.

XV. His Majesty Orders this to go immediately to the Great Seal, without passing through the other Seals: now since this is Counter-signed by the Secretary in whose hands the Signet is, there was no other step to be made but through the Privy Seal; so I must own I have a great Curiosity of knowing his Character in whose hands the Privy Seal is at present; for it seems his Conscience is not so very supple, as the Chancellors and the Secretaries are; but it is very likely, if he does not quickly change his mind, the Privy Seal at least will very quickly change its Keeper; and I am sorry to hear, that the Lord Chancellor and the Secretary have not another Brother to fill this post, that so the guilt of the ruin of that Nation, may lie on one single Family, and that there may be no others involved in it.

XVI. Upon the whole matter many smaller things being waved, it being extream unpleasant to find fault, where one has all possible dispositions to pay all respect; we here in England see what we must look for. A Parliament in Scotland was tried, but it proved a little stubborn; and now *Absolute power* comes to set all right; so when the Closeting has gone round, so that Noses are counted, we may perhaps see a Parliament here; but if it chancies to be untoward, and not to *Obey without Reserve*, then our Reverend Judges will copy from Scotland, and will not only tell us of the Kings Imperial Power, but will discover to us this new Mystery of *Absolute Power*, to which we are all bound to *Obey without Reserve*.

*These Reflections refer in so many places to some words in the Proclamation, that it was thought necessary to set them near one another, that the Reader may be able to Judge, whether he is deceived by any false Quotations or not.*

By the King.

## A PROCLAMATION.

JAMES R.

**J**AMES the Seventh by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. To all and sundry

our good Subjects, whom these presents do or may concern, *Greeting*. We have taken into our Royal Consideration the many and great inconveniencies which have happened to that our

Ancient Kingdom of Scotland of late years, through the different persuasions in the Christian Religion, and the great Heats and Animosities amongst the several Professors thereof, to the ruin and decay of Trade, wasting of Lands, extinguishing of Charity, contempt of the Royal Power; and converting of True Religion, and the Fear of God, into Animosities, Names, Fractions, and sometimes into Sacrilege and Treason. And being resolved as much as in us lyes, to Unite the Hearts and Affections of Our Subjects, to God in Religion, to Us in Loyalty, and to their Neighbours in Christian Love and Charity. Have therefore thought fit to Grant, and by our Sovereign Authority, Prerogative Royal, and Absolute Power, which all Our Subjects are to Obey without Reserve; Do hereby give and grant Our Royal Toleration, to the several Professors of the Christian Religion after named, with, and under the several Conditions, Restrictions, and Limitations after-mentioned. In the first place, We allow and Tolerate the Moderate Presbyterians, to Meet in their Private Houses, and there to hear all such Ministers, as either have, or are willing to accept of Our Indulgence allanely, and none other, and that there be not any thing said or done contrary to the Well and Peace of our Reign, Seditious or Treasonable, under the highest pains these Crimes will import; nor are they to presume to Build Meeting-Houses, or to use Our-Houses or Barns, but only to exercise in their Private Houses, as said is: In the mean time, it is Our Royal Will and Pleasure, that Field-Conventicles, and such as Preach, or Exercise at them, or who shall any ways assist or connive at them, shall be prosecuted according to the utmost Severity of our Laws made against them, seeing from these Rendezvouzes of Rebellion, so much Disorder hath proceeded, and so much Disturbance to the Government, and for which after this Our Royal Indulgence for tender Consciences, there is no Excuse left. In like manner, we do hereby tolerate Quakers to meet and Exercise in their Form, in any place or places appointed for their Worship. And considering the Severe and Cruel Laws made against Roman Catholics (therein called

Papists) in the Minority of Our Royal Grandfather of \* Glorious Memory, without His Consent, and contrary to the Duty of good Subjects, by His Regents, and other Enemies to their Lawful Sovereigns Our Royal Great Grand Mother Queen Mary of blessed and pious Memory, wherein under the pretence of Religion, they clothed the worst of Treasons, Factions, and Usurpations, and made these Laws, not as against the Enemies of GOD, but their own; which Laws have still been continued of course without design of executing them, or any of them *ad terrorem* only, on Supposition, that the Papists relying on an External power, were incapable of Duty, and true Allegiance to their Natural Sovereigns, and Rightful Monarchs; We of Our certain Knowledge, and long Experience, knowing that the Catholics, as it is in their principle to be Good Christians, so it is to be dutiful Subjects; and that they have likewise on all Occasions shewn themselves Good and Faithful Subjects to Us, and Our Royal Predecessors, by hazarding, and many of them actually losing their Lives and Fortunes, in their Defence (though of another Religion) and the Maintenance of their Authority against the Violences and Treasons of the most violent Abettors of those Laws: Do therefore with Advice and Consent of Our Privy Council, by Our Sovereign Authority, Prerogative Royal, and Absolute Power, aforesaid, Suspend, Stop, and disable the Laws, or disable all Laws, or Acts of Parliament, Customs or Constitutions, made or executed against any of our Roman Catholic Subjects, in any time past, to all intents and purposes, making void all prohibitions therein mentioned, pains or penalties therein ordained to be inflicted, so that they shall in all things be as free in all Respects as any of our Protestant Subjects whatsoever, not only to Exercise their Religion, but to enjoy all Offices, Benefices and others, which We shall think fit to bestow upon them in all time coming: Nevertheless, it is our Will and pleasure, and we do hereby command all Catholics at their highest pains, only to Exercise their Religious Worship in Houses or Chappels; and that they presume not to preach in the open Fields, or to invade

the *Protestant Churches* by force, under the pains aforesaid, to be inflicted upon the Offenders respectively; nor shall they presume to make publick processions in the High-streets of any of Our Royal Burghs, under the pains of above mentioned. And whereas the Obedience and Service of Our Good Subjects is due to Us by their Allegiance, and Our Sovereignty, and no Law, Custom, or Constitution, Difference in Religion, or other Impediment whatsoever, can exempt or discharge the Subjects from their Native Obligations & Duty to the Crown, or hinder Us from protecting and employing them, according to their several Capacities, and Our Royal pleasure; nor Restrains us from Conferring Heretable Rights & Privileges upon them, or vacate or annul these Rights Heretable when they are made or conferred; And likewise considering, that some Oaths are capable of being wrested by Men of sinister Intentions, a practice in that Kingdom fatal to Religion as it was to Loyalty; Do therefore, with Advice and Consent aforesaid, Cask, Annul and Discharge all *Oaths* whatsoever, by which any Our Subjects are incapacitated, or disabled from holding places, or Offices in Our said Kingdom, or enjoying their Hereditary Rights and Privileges, discharging the same to be taken or given in any time coming, without Our special Warrant and Consent, under the pains due to the Contempt of Our Royal Commands and Authority. And to this effect we do by Our Royal Authority aforesaid, Stop, Disable, and Dispence with all *Laws* enjoying the said *Oaths, Tests*, or any of them, particularly the first Act of the first Session of the first Parliament of King *Charles* the Second; the Eleventh Act of the aforesaid Session of the foresaid Parliament, the sixth Act of the third Parliament, of the said King *Charles*; the twenty first & twenty fifth Acts of the Parliament, & the thirteenth Act of the first Session of \* Our late Parliament, in so far allannerly as concerns the taking the *Oaths or Tests* therein prescribed, and all others, as well not mentioned as mentioned, and that in place of them, all Our good Subjects, or such of them as We or Our Privy Council shall require so to do, shall take and swear the following Oath allannerly.

I A. B. do acknowledge, resist and declare that JAMES the Seventh, by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, &c. is rightful King and Supream Governor of these Realms, and over all persons therein; and that it is unlawful for Subjects, on any pretence, or for any cause whatsoever, to rise in Arms against Him, or any Commissioned by Him; and that I shall never so rise in Arms, nor assist any who shall so do; and that I shall never resist His Power or Authority, nor ever oppose his Authority to his Person, as I shall answer to God; but shall to the utmost of my power Assist, Defend, and Maintain him, his Heirs and Lawful Successors, in the Exercise of their Absolute Power and Authority against all Deadly. So help me God.

And seeing many of Our good Subjects have before Our pleasure in these Matters was made publick, incurred the Guilt appointed by the Acts of Parliament above-mentioned, or others; We, by Our Authority, and Absolute Power and Prerogative Royal above-mentioned, of Our certain Knowledge, and innate Mercy, Give Our ample and full Indemnity to all those of the Roman-Catholick or Popish Religion, for all things by them done contrary to Our Laws, or Acts of Parliament, made in any time past, relating to their Religion, the Worship and Exercise thereof, or for being Papists, Jesuits, or Traffickers, for hearing, or saying of Mass, concealing of Priests or Jesuits breeding their Children Catholicks at home or abroad, or any other thing, Rite or Doctrine, said, performed, or maintained by them, or any of them: And likewise, for holding or taking of Places, Employments, or Offices, contrary to any Law or Constitution, Advices given to Us, or Our Council, Actions done, or generally any thing performed or said against the known Laws of that Our Ancient Kingdom: Excepting always from this Our Royal Indemnity, all Murders, Assassinations, Thefts, and such like other Crimes, which never used to be comprehended in Our General Acts of Indemnity. And we command and require all Our Judges, or others concerned, to explain this in the most Ample Sense and Meaning Acts of Indemnity at any time have contained: Declaring this shall be as good to eve.

ry one concerned, as if they had Our Royal Pardon and Remission under Our Great Seal of that Kingdom. And likewise indemnifying Our Protestant Subjects from all pains and penalties due for hearing or preaching in Houses; providing there be no Treasonable Speeches uttered in the said Conventicles by them, in which case the Law is only to take place against the Guilty, and none other present; providing also that they Reveal to any of Our Council the Guilt so committed; As also, excepting all Fines, or Effects of Sentences already given. And likewise Indemnifying fully and freely all Quakers, for their Meetings and Worship, in all time past, preceeding the publication of these presents. And we doubt not but our Protestant Subjects will give their Assistance and Concourse hereunto, on all occasions, in their respective Capacities. In consideration whereof, and the ease those of Our Religion, and others may have hereby, and for the Encouragement of Our Protestant Bishops, and the regular Clergy, and such as have hitherto lived orderly, We think fit to declare, that it never was Our principle, nor will We ever suffer Violence to be offered to any Man's Conscience, nor will we use Force, or *Invisible Necessity* against any Man on the Account of his persuasion, nor the protestant Religion, but will protect Our Bishops and other Ministers in their Functions, Rights and Properties, and all Our protestant Subjects in the free Exercise of their protestant Religion in the Churches. And that We will, and hereby promise, on Our Royal Word, to maintain the possessors of Church-Lands formerly belonging to Abbeyes, or other Churches of the Catholick Religion, in their full and free possession and Right, according to our Laws and Acts of *Parliament* in that behalf in all time coming. And We will employ indifferently

all Our Subjects of all persuasions, so as none shall meet with any Discouragement on the account of his Religion, but be advanced, and esteemed by Us, according to their several Capacities and Qualifications, so long as We find Charity and Unity maintained. And if any Animosities shall arise, as We hope in God there will not, We will shew the severest Effects of Our Royal Displeasure against the Beginners or Fomenters thereof, seeing thereby Our Subjects may be deprived of this general Ease and Satisfaction, We intend to all of them, whose Happines, Prosperity, Wealth and Safety, is to much Our Royal Care, that we will leave nothing undone which may have Notice of this Our Royal Will and Pleasure, We do hereby command, Our *Lyon King* at Arms, and his Brethren Heralds, Marchers, Pursuivants and Messengers at Arms, to make timous proclamation thereof at the Market-Cross of *Edinburgh*; And besides the printing and publishing of this Our Royal Proclamation, it is Our express Will and Pleasure, that the same be past under the great Seal of that Our Kingdom per saltum, \* without passing any o-Seal or Register. In Order whereunto, this shall be to the Directors of Our Chancellery, and their Deputies for writing the same, and to Our Chancellor for causing our Great Seal aforesaid, to be appended thereunto, a sufficient Warrant.

*Given at Our Court at Whitehal the twelfth of Febr. 1686. and of Our Reign the third Year.*

By His Majesties Command

MELFORT.

God save the King.



A LETTER, containing some Reflections on His  
Majesties Declaration for Liberty of Conscience,  
Dated the Fourth of *April*, 1687.

SIR,

I Thank you for the Favour of sending me the late Declaration that His Majesty has granted for Liberty of Conscience. I confess, I longed for it with great Impatience, and was surpris'd to find it so different from the *Scotch* Pattern; for I imagined, that it was to be set to the second part of the same tune: nor can I see why the Pen-ners of this have sunk so much in their stile; for I suppose the same men penned both. I expected to have seen the Imperial Language of *Absolute Power*, to which all the Subjects are to Obey without reserve; and of the *Causing, Annulling, the stopping, and disabling of Laws* set forth in the Preamble and body of this *Declaration*; whereas those dreadful words are not to be found here: for Instead of *Repealing the Laws*, His Majesty pretends by this only to *Suspend them*; and though in effect this amounts to a *Repeal*, yet it must be confessed that the words are softer. Now since the *Absolute Power*, to which His Majesty pretends in *Scotland*, is not founded on such poor things as *Law*; for that would look as if it were the gift of the People; but on the Divine Authority, which is supposed to be delegated to His Majesty, this may be as well claimed in *England* as it was in *Scotland*: and the pretensions to *Absolute Power* is so great a thing, that since His Majesty thought he once to claim it, he is little beholding to those that make him fall so much in his Language; especially since both these *Declarations* have appeared in our *Gazettes*; so that as we see what is done in *Scotland*, we know from hence what is in some peoples hearts, and what we may expect in *England*.

II. His Majesty tells his people, that the perfect Injoyment of their Property has never been in any Case invaded by him since his coming to the Crown. This is indeed matter of great Encouragement to all good Subjects; for it lets them see, that such Invasions, as have been made on Property, have been done without His Majesties knowledge: so that no doubt the continuing to levy the *Customs* and the *Additional Excise* (which had been granted only during the late Kings Life,) before the Parliament could meet to renew the Grant, was done without His Majesties knowledge; the many Violences committed not only by *Soldiers*, but *Officers*, in all the Parts of *England*, which are severe Invasions on Property, have been all without His Majesties knowledge; and since the first Branch of *Popery* is the Right that a man has to his Life, the strange Essay of *Mahometan Government*, that was shewed at *Tamworth*; and the no less strange proceedings of the present Lord Chancellour, in his Circuit after the Rebellion (which are very justly called His Campaigne, for it was an open Act of Hostility to all Law) and for which and other Services of the like nature, it is believed he has had the reward of the Great Seal, and the Executions of those who have left their Colours, which being founded on no Law, are no other than so many Murders; all these, I say, are as we are sure, Invasions on Property; but since the King tells us, that no such Invasions have been made since he came to the Crown, we must conclude that all these things have fallen out without His Privy. And if the standing Army, in time of Peace, has been ever lookt on by this Nation as an Attempt upon the whole Property of the Nation in gross, one must conclude that even this

his is done without His Majesties knowledge.

III. His Majesty expresses his Charity for us in a kind wish, that we were all Members of the Catholick Church ; in return to which we offer up daily our most earnest Prayers for him, that he may become a Member of the truly Catholick Church : for Wishes and Prayers do no hurt on no side : but His Majesty adds that it has ever been his Opinion, that Conscience ought not to be constrained, nor people forced in matters of meer Religion. We are very happy if this continues to be always his sense : but we are sure in this he is no Obedient Member of that which he means by the Catholick Church : for it has over and over again decreed the Extirpation of Hereticks. It encourages Princes to it, by the Offer of the pardon of their Sins ; it threatens them to it, by denouncing to them not only the judgments of God ; but that which is more sensible, the loss of their Dominions : and it seems they intend to make us know that part of their Doctrine even before we come to feel it, since tho some of that Communion would take away the Horror which the Fourth Council of the *Lateran* gives us, in which these things were decreed, by denying it to be a General Council, and rejecting the Authority of those Canons, yet the most learned of all the *Apostates* that has fallen to them from our Church, has so lately given up this plea, and has so formally acknowledged the Authority of that Council, and of its Canons, that it seems they think they are bound to this piece of fair dealing of warning us before-hand of our Danger. It is true *Bellarmin* says, *The Church does not always execute her Power of deposing Heretical Princes, tho she always retains it* : one reason that he assigns, is, *Because she is not at all times able to put it in execution* : so the same reason may perhaps make it appear unadvisable to Extirpate Hereticks, because that at present it cannot be done ; but the Right remains intire, and is put in execution in such an unrelenting manner in all places where that Religion prevails, that it has a very ill Grace, to see any Member of that Church speak in this strain : and when neither the policy of *France*, nor the Greatness of their

Monarch, nor yet the Interests of the Empe-  
rour joyned to the Gentleness of his own temper, could withstand these bloody Councils, that are indeed parts of that Religion, we can see no other reason to induce us to believe, that a Toleration of Religion is proposed with any other design but either to divide us, or to lay us asleep till it is time to give the Alarm for destroying us.

IV. If all the Endeavours, that have been used in the last four Reigns for bringing the Subjects of this Kingdom to a Unity in Religion have been ineffectual, as His Majesty says ; we know to whom we owe both the first beginnings and the progress of the Divisions among our selves ; the gentleness of *Q. Elizabeth's* Government, the numbers of those that adhered to the Church of *Rome*, made it scarce possible to put an end to that party during her Reign, which has been ever since restless, and has had Credit enough at Court during the three last Reigns, not only to support it self, but to distract us, and to divert us from apprehending the danger of being swallowed up by them, by fomenting our own Differences, and by setting on either a Toleration, or a Persecution, as it has happened to serve their interests. It is not so very long since, that nothing was to be heard at Court but the supporting the Church of *England*, and the Extirpating all the Non-conformists : and it were easie to name the persons, if it were decent, that had this in their Mouths ; but now all is turned round again, the Church of *England* is in Disgrace ; and now the Encouragement of Trade, the Quiet of the Nation, and the Freedom of Conscience are again in Vogue, that were such odious things but a few Years ago, that the very mentioning them was enough to load any man with Suspicion, as backward in the Kings Service ; while such Methods are used, and the Government is as in an Ague, divided between hot and cold fits, no wonder if Laws so unsteadily executed have failed of their effect.

V. There is a good reserve here left for Severity, when the proper Opportunity to set it on presents it self : for his Majesty declares himself only against the forcing of men in matters



matters of meer Religion: so that whensoever Religion and Policy come to be so interwoven, that meer Religion is not the Case, and that publick Safety may be pretended, then this Declaration is to be no more claimed: so that the fastning any thing upon the Protestant Religion, that is inconsistent with the publick peace, will be pretended to shew that they are not persecuted for meer Religion. In *France*, which it was resolved to extirpate the Protestants, all the Discourses that were written on that Subject, were full of the Wars occasioned by those of the Religion in the last Age, tho as these was the happy Occasion of bringing the House of *Bourbon* to the Crown, they had been ended above 80 Years ago, and there had not been so much as the least Tumult raised by them these 50 Years past: so that the French who have smarted under this Severity, could not be charged with the least Infraction of the Law: yet Stories of a hundred years old were raised up to inspire into the King those Apprehensions of them, which have produced the terrible effects that are visible to all the World. There is another expression in this Declaration, which lets us likewise see with what Caution the Officers of Favour are now worded, that so there may be an Occasion given when the Time and conjuncture shall be favourable to break through them all: it is in these words, So that they take especial care that nothing be preached or taught amongst them, which many any ways tend to alienate the Hearts of our people from us or our Government. This in it self is very reasonable, and could admit of no Exception, if we had not to do with a set of men, who to our great Misfortune have so much Credit with His Majesty, and who will be no sooner lodged in the power to which they pretend, than they will make every thing that is preached against Popery pass for that which may in some manner alienate the Subjects from the King.

VI. His Majesty makes no doubt of the Concurrence of his Two Houses of Parliament, when he shall think it convenient for them to meet. The Hearts of Kings are unsearchable, so that it is a little too presumptuous to look into his Majesties secret Thoughts: but according to the Judgments that we would make of

other mens Thoughts by their Actions, one would be tempted to think, that His Majesty made some doubt of it, since his Affairs both at home and abroad could not go the worse, if it appeared that there were a perfect understanding between Him and his Parliament, and that his people were supporting him with fresh Supplies; and this House of Commons is so much at his Devotion, that all the World saw how ready they were to grant every thing that he could desire of them, till he began to lay off the Mask with relation to the Test, and since that time the frequent Prorogations, the Closetting, and the pains that has been taken to gain Members, by promises made to some, and the Disgraces of others, would make one a little inclined to think, that some doubt was made of their Concurrence. But we must confess, that the depth of His Majesties Judgment is such, that we cannot fathom it, and therefore we cannot guess what his Doubts or Assurances are. It is true, the words that come after unriddle the Mystery a little, which are, when His Majesty shall think it convenient for them to meet: for the meaning of this seems plain, that His Majesty is resolved that they shall never meet, till he receives such Assurances, in a new round of Closetting, that he shall be put out of doubt concerning it.

VII. I will not enter into the dispute concerning Liberty of Conscience, and the Reasons that may be offered for it to a Session of Parliament; for there is scarce any one point, that either with relation to Religion, or Politicks, affords a greater variety of matter for Reflection: and I made no doubt to say, That there is abundance of Reason to oblige a Parliament to review all the Penal Laws, either with relation to Papists, or to Dissenters; but I will take the boldness to add one thing, that the Kings suspending of Laws strikes at the root of this whole Government, and subverts it quite: for if there is any thing certain with relation to English Government, it is this, That the Executive Power of the Law is entirely in the King; and the Law to fortifie him in the management of it has clothed him with a vast Prerogative, and made it unlawful on any pretence whatsoever to resist him; whereas on the other hand, the Legislative

*Power* is not so entirely in the King, but that the Lords and Commons have such a share in it, that no Law can be either made, repeated, or which is all one suspended, but by their consent; so that the placing this *Legislative Power* singly in the King, is a Subversion of this whole Government, since the Essence of all Governments consists in the Subjects of the Legislative Authority, Acts of Violence or Injustice, committed in the Executive part, are such things that all Princes being subject to them, the peace of mankind were very ill secured if it were not unlawful to resist upon any pretence taken from any ill Administrations, in which as the Law may be doubtful, so the Facts may be uncertain, and at worst the publick Peace must always be more valued than any private Oppressions or Injuries whatsoever. But the total Subversion of the Government, being so contrary to the Trust that is given to the Prince who ought to execute it, will put men upon uneasie and dangerous Inquiries; which will turn little to the Advantage of those who are driving matters to such a doubtful and desperate Issue.

VIII. If there is any thing in which the Exercise of the *Legislative Power* seems indispensable, it is in those Oaths of Allegiance and Tests, that are thought necessary to Qualifie men either to be admitted to enjoy the protection of the Law, or to bear a share in the Government; for in these the Security of the Government is chiefly concerned; and therefore the total Extinction of these, as it is not only a Suspension of them, but a plain repealing of them, so it is a Subverting of the whole Foundation of our Government: For the Regulation that King and Parliament had for both for the Subjects having the protection of the State by the Oath of Allegiance, and for a share in the places of Trust by the Tests, is now pluckt up by the roots; when it is declar'd, That these shall not at any time hereafter be required to be taken or subscribed by any persons whatsoever; for it is plain, that this is no Suspension of the Law, but a formal repeal of it, in as plain Words as can be conceived.

IX. His Majesty says, that the Benefit of the Service of all his Subjects is by the Law of Nature Inseparably annexed to, and inherent in

his Sacred person. It is somewhat strange, that when so many Laws, that we all know are suspended, the Law of Nature, which is so hard to be found out, should be cited; but the penners of this Declaration had best let that Law lie forgotten among the rest; and there is a scurvy paragraph in it concerning Self-preservation, that is capable of very unacceptable Glosses. It is hard to tell what Section of the Law of Nature has markt either such a Form of Government, or such a Family for it. And if His Majesty renounces his pretensions to our Allegiance as founded on the Laws of England; and betake himself to this Law of Nature, he will perhaps find the Counsel was a little too rash; but to make the most that can be, the Law of Nations or Nature does indeed allow the Governors of all Societies a power to serve themselves of every Member of it in the cases of extreme Danger; but no Law of Nature that has been yet heard of will conclude, that if by special Laws, a sort of men have been disabled from all Employments, that a Prince who at his Coronation Swore to maintain those Laws, may at his pleasure extinguish all these Disabilities.

X. At the end of the Declaration, as in a postscript, His Majesty assures his Subjects, that he will maintain them in their Properties, as well in Church and Abbey Lands, as other Lands: but the chief of all their properties being the share that they have by their Representatives in the *Legislative power*; this Declaration, which breaks through that, is no great Evidence that the rest will be maintained: and to speak plainly, when a Coronation Oath is so little remembered, other promises must have a proportioned degree of Credit given to them: as for the Abbey Lands, the keeping them from the Church is according to the principles of that Religion Sacriledge; and that is a mortal Sin, and there can no Absolution be given to any who continue in it: and so this promise being an Obligation to maintain men in a mortal Sin, is null and void of it self: Church Lands are also according to the Doctrine of their Canonists, so immediately Gods Right, that the Pope himself is the only Administrator and Dispencer, but is not the Master of them; he can indeed make a truck for God, or let them so low, that  
God

God shall be an easie Landlord; but he cannot alter God's Property, nor translate the Right that is in him to Sacrilegious Laymen and Hereticks.

XI. One of the Effects of this Declaration, will be the setting on foot a new run of Addresses over the Nation: for there is nothing how impudent and base soever, of which the abject flattery of a slavish Spirit is not capable. It must be confess, to the Reproach of the Age, that all those strains of flattery among the *Romans*, that *Tacitus* sets forth with so much just scorn, are modest things, compared to what this Nation has produced within these seven Years: only if our Flattery has come short of the Refinement of the *Romans*, it has exceeded theirs as much in its loathed Fulsomness: The late King set out a Declaration, in which he gave the most solemn Assurances possible of his adhering to the Church of *England*, and to the Religion established by Law, and of his Resolution to have frequent Parliaments; upon which the whole Nation fell as it were into Raptures of Joy and Flattery: but tho he lived four Years after that, he called no Parliament, notwithstanding the Law for Triennial Parliaments: and the manner of his Death, and the Papers printed after his Death in his Name, having sufficiently shewed, that he was equally sincere in both those Assurances that he gave, as well in that relating to Religion, as in that other relating to frequent Parliaments; yet upon his Death a new set of Addresses appeared, in which all that Flattery could invent was brought forth, in the Commendations of a Prince, to whose Memory the greatest kindness that can be done, is to forget him, and because his present Majesty upon his coming to the Throne gave some very general Promises of maintaining the Church of *England*, this was magnified in so Extravagant a stain, as if it had been a Security greater than any that the Law could give: tho by the regard that the King has both to it and to the Laws, it appears that he is resolved to maintain both equally: since then the Nation has already made it self sufficiently ridiculous both to the present and to all succeeding Ages; it is

time that at last men should grow weary, and become ashamed of their Folly.

XII. The *Nonconformists* are now invited to set an Example to the rest: and they who have valued themselves hitherto upon their Opposition to Popery, and that have quarrelled with the Church of *England*, for some small Approaches to it, in a few Ceremonies, are now solicited to rejoyce, because the Laws that secure us against it, are all plucked up: since they enjoy at present, and during pleasure, leave to meet together. It is natural for all men to love to be set at ease, especially in the matter of their Consciences; but it is visible, that those who allow them this favour, do it with no other design, but that under a pretence of a General Toleration, they may introduce a Religion which must persecute all equally: it is likewise apparent how much they are hated, and how much they have been persecuted by the Instigation of those who now Court them, and who have now no game that is more promising, than the engaging them and the Church of *England* into new Quarrels: and as for the Promises now made to them, it cannot be supposed that they will be more lasting than those that were made some time ago to the Church of *England*, who had both a better Title in Law, and greater Merit upon the Crown to assure them that they should be well used than these can pretend to. The Nation has scarce forgiven some of the Church of *England* the Persecution into which they have suffered themselves to be cozened; tho now that they see Popery bare-faced, they stand that they have made, and the vigorous opposition that they have given to it, is that which makes all men willing to forget what is past, and raises again the Glory of a Church that was not a little stained by the Indiscretion and Weakness of those, that were too apt to believe and hope, and so suffered themselves to be made a Property to those who would make them a Sacrifice. The Sufferings of the *Nonconformists*, and the Fury that the *Popish* party expressed against them, had recommended them so much to the Compassions of the Nation, and had given them

to just a pretension to favour in a better time, that it will look like a Curse of God upon them, if a few men, whom the Court has gained to betray them, can have such an ill Influence upon them as to make them throw away all that Merit, and those Compassions which their Sufferings have procured them; and to go and court those who are only seemingly kind to them, that they may destroy both them and us. They must remember that as the Church of *England* is the only Establishment that our Religion has by Law; so it is the main body of the Nation, and all the Sects are but small and straggling parties: and if the Legal Settlement of the Church is dissolved, and that body is once broken, these lesser bodies will be all at Mercy: and it is an easie thing to define what the Mercies of the Church of *Rome* are.

XIII. But tho it must be confessed, that the Nonconformists are still under some Temptations, to receive every thing that gives them present ease, with a little too much kindness; since they lie exposed too many severe Laws, of which they have of late felt the weight very heavily, and as they are men, and some of them as ill natured men as other people, so it is no wonder if upon the first surpris of the Declaration, they are a little delighted, to see the Church of *England*, after all its Services and Submissions to the Court, so much mortified by it; so that taking all together it will not be strange if they commit some Follies upon this occasion. Yet on the other hand it passes all imagination, to see some of the Church of *England*, especially those whose Natures we know are so particularly sharpened in the point of persecution, chiefly when it is levelled against the Dissenters, rejoyce at this Declaration, and make Addresses upon it. It is hard to think that they have attained to so high a pitch of Christian Charity, as to thank those who do now *Despise* *use* them, and that as an earnest that within a little while they will persecute them. This will be an Original, and a Master-piece in Flattery, which must needs draw the last degrees of Contempt on such as are capable of so abject and sordid a Compliance, and that not

only from all the true Members of the Church of *England*, but likewise from those of the Church of *Rome* it self; for every man is apt to esteem an Enemy that is brave even in his Misfortunes, as much as he despises those whose minds sink with their Condition, for what is it that these men would have of the King? Is it because he breaks those Laws that are made in their Favour, and for their Protection: and is now striking at the Root of all Legal Settlement that they have for their Religion? Or is it because that at the same time that the King professes a Religion that condemns his Supremacy, yet he is not contented with the Exercise of it as it is warranted by Law, but carries it so far as, to erect a Court contrary to the express words of a Law so lately made: That Court takes care to maintain a due proportion between their Constitution and all their Proceedings, that so all may be of a piece, and all equally contrary to Law. They have suspended one Bishop, only because he would not do that which was not in his power to do: for since there is no Extrajudiciary Authority in *England*, a Bishop can no more proceed to a Sentence of Suspension against a Clergy-man without a Tryal, and the hearing of Parties, than a Judge can give a Sentence in his Chamber without an Indictment, a Tryal, or a Jury: and because one of the greatest bodies of *England* would not break their Oaths, and obey a Mandate that plainly contradicted them, we see to what a pitch this is like to be carried. I will not anticipate upon this illegal Court, to tell what Judgments are coming; but without carrying our Jealousies too far, one may safely conclude, that they will never depart so far from their first Institution, as to have any regard, either to our Religion, or our Laws, or Liberties, in any thing they do. If all this were acted by avowed Papists, as we are sure it is projected by such, there were nothing extraordinary in it: but that which carries our Indignation a little too far to be easily governed, is to see some pretended Protestants, and a few Bishops, among those that are the fatal Instruments of pulling down the Church of *England*, and that those Mercenaries Sacrifice their Religion and their Church to their Ambition and

Inte-

Interests; this has such peculiar Characters of Misfortune upon it, that it seems it is not enough if we perish without pity, since we fall by that hand that we have so much supported and fortified, but we must become the Scorn of all the world, since we have produced such an unnatural Brood, that even while they are pretending to be Sons of the Church of England, are cutting their Mothers Throat: and not content with Judas's Crime, of saying, *Hail Master*, and *kissing* him, while they are betraying him into the hands of others; these carry their Wickedness further, and say, *Hail Mother*, and then they themselves murder her. If after all this we were called on to bear this as Christians, and to suffer it as Subjects, if we were required in patience to possess our own Souls, and to be in Charity with our Enemies; and which is more, to forgive our False Brethren who add Treachery to their Hatred; the Exhortation were seasonable, and indeed a little necessary: for humane Nature cannot easily take down things of such a hard digestion: but to tell us that we must make Addresses, and offer Thanks for all this, is to insult a little too much upon us in our Sufferings: and he

that can believe that a dry and cautiously worded promise of maintaining the Church of England, will be religiously observed after all that we have seen, and is upon that carried so far out of his Wits as to Address and give Thanks, and will believe still, such a man has nothing to excuse him from believing Transubstantiation it self; for it is plain that he can bring himself to believe even when the thing is contrary to the clearest Evidence that his senses can give him.

*Si populus hic vult decipi decipiat.*

## POSTSCRIPT.

These Reflections were writ soon after the Declaration came to my hands, but the Matter of them was so tender, and the Conveyance of them to the Press was so uneasy, that they appear now too late to have one effect that was Designed by them, which was, the diverting men from making Addresses upon it; yet if what is here proposed makes men become so far wise as to be ashamed of what they have done, and is a means to keep them from carrying their Courtship further than good words, this Paper will not come too late.

## An Answer to a Paper, Printed with Allowance, Entitled, *A new Test of the Church of Englands Loyalty.*

1. **T**He Accusing the Church of England of want of Loyalty, or the putting it to a new Test, after so fresh a one, with relation to His Majesty, argues a high degree of Confidence in him who undertakes it. She knew well what were the Doctrines and practices of those of the Roman Church, with relation to Hereticks; and yet She was so true to her Loyalty, that She shut her Eyes on all the Temptations that so just a fear could raise in her; and She set her self to support His Majesties Right of Succession, with so much Zeal, that She thereby not only put her self in the power of her Enemies; but She has also Exposed her self to the Scorn of those who insult over her Misfortune. She lost the Affections even of many of her own

Children; who thought that her Zeal for an Interest, which was then so much decry'd, was a little too fervent: and all those who judged severely of the proceedings, thought that the Opposition which She made to the side that then went so high, had more Heat than Decency in it. And indeed all this was so very extraordinary, that if She was not acted by a principle of Conscience, She could make no excuse for her Conduct. There appeared such peculiar Marks of Affection and Heartiness, at every time that the Duke was named, whether in drinking his Health, or upon graver Occasions, that it seemed affected: and when the late King himself (whose Word they took that he was a Protestant) was spoke of, but coldly, the very Name of the Duke set her Children



all on fire: this made many conclude, that they were ready to Sacrifice all to him; for indeed their Behaviour was inflamed with so much Heat, that the greater part of the Nation believed they waited for a fit opportunity to declare themselves. Faith in Jesus Christ was not a more frequent Subject of the Sermons of many, than Loyalty; and the Right of the Succession to the Crown, the Heat that appeared in the Pulpit, and the Learning that was in their Books on these Subjects, and the Eloquent strains that were in their Addresses, were all Originals, and made the World conclude, That whatever might be laid to their Charge, they should never be accused of any want of Loyalty, at least in this Kings time, while the remembrance of so signal a service was so fresh. When His Majesty came to the Crown, these men did to entirely depend on the promise that he made, *to maintain the Church of England*, that the doubting of the performance appeared to them the worst sort of *Infidelity*. They believed, that in His Majesty, the *Hero*, and the *King*, would be too strong for the *Papists*; and when any one told them, *How weak a tie the Faith of a Catholic to Hereticks must needs be*, they could not hearken to this with any patience, but looked on his *Majesties promise* as a thing so Sacred, that they employ'd their interest to carry all *Elestions of Parliament-Men*, for those that were recommended by the Court, with so much Vigour, that it laid them open to much Censure. In *Parliament* they moved for no Laws to secure their Religion; but assuring themselves, that *Honour* was the Kings Idol, they laid hold on it, and fancied, that a publick reliance on his Word, would give them an Interest in his Majesty, that was Generous, and more suitable to the Nobleness of a Princely Nature than any new Laws could be: so that they acquiesced in it, and gave the King a vast Revenue for Life: In the Rebellion that followed, they shewed with what Zeal they adhered to his Majesty, even against a pretender that declared for them. And in the Session of *Parliament*, which came after that, they shewed their disposition to assist the King with new Supplies, and were willing to Excnse and indemnifie all that was past; only they desired with all possible Mo-

desty, that the Laws which His Majesty had both promised, and at his *Coronation* had *sworn* to maintain, might be Executed. Here is their Crime, which has raised all this Out-cry; They did not move for the Execution of severe and Penal Laws, but were willing to let those sleep, till it might appear by the Behaviour of the *Papists*, whether they might deserve that there should be any Mitigation made of them in their Favour. Since that time, our *Churchmen* have been constant in mixing their Zeal for their Religion against Popery, with a Zeal for Loyalty against Rebellion, because they think these two are very well consistent one with another. It is true, they have generally expressed an unwillingness to part with the two Tests; because they have no mind to trust the keeping of their Throats to those who they believe will cut them, and they have seen nothing in the conduct of the *Papists*, either within or without the Kingdom, to make them grow weary of the Laws for their sakes, and the same principle of common sense, which make it so hard for them to believe *Transubstantiation*, makes them conclude that the Author of this Paper, and his Friends, are no other, than what they hear, and see, and know them to be.

II. One instance in which the Church of England shewed her Submission to the Court, was, That as soon as the *Nonconformists* had drawn a new Storm upon themselves, by their meddling in the matter of Exclusion, many of her Zealous Members went into that prosecution of them, which the Court set on foot, with more Heat, than was perhaps justifiable in it self, or reasonable in those Circumstances; but how censurable soever some angry men may be, it is somewhat strange to see those of the Church of Rome blame us for it, which has decreed some unrelenting Severities against all that differ from her, and has enacted that not only in *Parliaments*, but even in general *Councils*. It must needs sound oddly to hear the Sons of a Church, that must destroy all others, as soon as it can compass it, yet complain of the Excesses of Fines and Imprisonments, that have been of late among us. But if this Reproach seems a little strange when it is in the Mouth of a *Papist*, it is much more provoking, when it comes from

from any of the Court. Were not all the Orders for the late Severity sent from thence? Did not the Judges in every Circuit, and the Favourite Justices of the Peace in every Sessions, imploy all their Eloquence on this Subject? The Directions that were given to the Justices and the Grand Juries were all repeated Aggravations of this Matter: and a little Ordinary Lawyer, without any other *Visible Merit*, but an *Outragious Fury* in those Matters, on which he has chiefly valued himself, was of a sudden taken in his *Majesties* special Favour, and raised up to the *Highest Posts* of the Law. All these things, led some of our Obedient Clergy, to look on it as a piece of their Duty to the King, to encourage that Severity, of which the Court seemed so fond, that almost all people thought, they had set it up for a Maxime, from which they would never depart. I will not pretend to excuse all that has been done of late Years: but it is certain, that the most crying Severities have been acted by persons that were raised up to be Judges and Magistrates for that very end: they were Instructed, Truſted and Rewarded for it, both in the last and under the present Reign, Church-preferments were distinguished rather as Recompences of this devouring Zeal, than of a real Merit; and men of more moderate Tempers were not only ill looked at, but ill used. So that it is in itself very unreasonable to throw the load of the late Rigour on the Church of England, without distinction: but it is worse than in good manners is fit to call it, if this Reproach comes from the Court. And it is somewhat unbecoming to see that which was set on at one time, disowned at another; while yet he that was the chief Instrument in it is still in so high a post; and begins now to treat the men of the Church of England, with the same Brutal Excesses, that he bestowed so lately and so liberally on the Dissenters; as if his design were to render himself equally odious to all Mankind.

III. The Church of England may justly expostulate when she is treated as Seditious; after she has rendered the highest Services to the Civil authority, that any Church now on Earth has done. She has beaten down all the Principles of Rebellion, with more Force and

Learning than any Body of men has yet done: and has run the hazard of Enraging her Enemies, and losing Friends, even for those, from whom the more learned of her Members knew well what they might expect. And since our Author likes the figure of a Snake in ones Bosom so well; I could tell him, that according to the Apologue, we took up and sheltered an Interest, that was almost Dead, and by that warmth gave it Life, which yet now with the Snake in the Bosom, is like to bite us to Death. We do not say, that we are the only Church that has the Principles of Loyalty, but this we may say, that we are the Church in the World that carries them the highest; as we know a Church that of all others sinks them the lowest. We do not pretend that we are inviolable in this Point, but acknowledge that some of our Clergy mis-carried in it upon King Edwards Death: Yet at the same time others of our Communion are more steadily to their Loyalty in favour of Q. Mary, than she did to the Promises that she made to them. Upon this Subject our Author by this false Quotation of History, forces me to set the Reader right, which if it proves to the Disadvantage of his Cause, his Friends may thank him for it. I will not enter into so tedious a Digression, as the justifying Queen Elizabeth being Legitimate, and the throwing the Bastardy on Queen Mary must carry me to; this I will only say, that it was made out, that according to the best sort of Arguments, used by the Church of Rome, I mean the constant Tradition of all Ages, King Henry the Eighth's marrying with Queen Catherine, was Incestuous, and by consequence Q. Mary was the Bastard, and Q. Elizabeth was the Legitimate Issue. But our Author not satisfied with defaming Queen Elizabeth, tells us, that the Church of England was no sooner set up by her, than she Enacted those Bloody Carnibal Laws to Hang, Draw and Quarter the Priests of the Living God: But since these Laws disturb him so much, what does he think of th Laws of Burning the poor Servants of the Living God, because they cannot give Divine Worship to that which they believe to be only a Piece of Bread? The Representation he gives of this part of our History, is so false, that though upon Queen Elizabeth



*Elizabeth* coming to the Crown, there were many Complaints exhibited of the illegal Violences that *Banner* and other Butchers had committed, yet all these were stifled, and no Penal Laws were Enacted against those of that Religion. The popish Clergy were indeed turned out; but they were well used, and had Pensions assigned them; so ready was the Queen and our Church to forgive what was past, and to shew all Gentleness for the future. During the first thirteen Years of her Reign, matter went on calmly, without any sort of Severity on the account of Religion. But then the restless spirit of that Party, began to throw the Nation into violent Convulsions. The Pope deposed the Queen, and one of the Party had the Impudence to post up the *Bull* in London; upon this followed several Rebellions, both in *England* and *Ireland*, and the Papists of both Kingdoms entered into Confederacies with the King of *Spain* and the Court of *Rome*, the Priests disposed all the people that depended on them, to submit to the *Pope's* Authority in that Disposition, and to reject the *Queens*; These endeavours, besides open Rebellion, produced many Secret Practices against her Life. All these things gave the rise to the severe Laws, which began not to be enacted before the twentieth year of her reign. A War was formed by the *Bull* of Deposition, between the Queen and the Court of *Rome*, so it was a necessary Piece of Precaution, to declare all those to be Traitors who were the Missionaries of that Authority which had stript the Queen of hers; yet those Laws were not executed upon some Secular Priests who had the Honesty to condemn the Deposing Doctrine. As for the unhappy Death of the Queen of *Scotland*, it was brought on by the wicked Practices of her own Party, who fatally involved her in some of them; She was but a Subject here in *England*; and if the Queen took a more Violent way, than was the decent for her own Security, here was no Disloyalty nor Rebellion in the Church of *England*, which owed her no sort of Allegiance.

IV. I do not pretend that the Church of *England* has any great cause to value her self upon her Fidelity to King *Charles* the First,

tho our Author would have it pass for the only thing of which She can boast. for I confess, the cause of the Church was so twisted with the King's, that Interest and Duty went together: tho I will not go so far as our Author, who says, That the Laws of Nature dictates to every Individual, to fight in his own Defence: This is too bold a thing to be delivered so crudely at this time. The Laws of Nature are perpetual, can never be cancelled by any special Law: So if these Gentlemen own so freely, that this is a Law of Nature, they had best take care not to provoke Nature too much, lest she fly to the Relief that this Law may give her, unless she is restrained by the Loyalty of our Church. Our Author values his Party upon their Loyalty to King *Charles* the first: but I must take the liberty to ask him of what Religion were the *Irish* Rebels; and what sort of Loyalty was it, that they shewed either in the first Massacre, or in the progress of that Rebellion? Their Messages to the Pope, to the Court of *France*, and to the Duke of *Lorraine*, offering themselves to any of these, that would have undertaken to protect them, are acts of Loyalty which the Church of *England* is no ways inclined to follow: and the Authentical proofs of these things are ready to be produced. Nor need I add to this, the hard terms that they offered to the King, and their ill usage of those whom he employed. I could likewise repress the Insolence of this Writer, by telling him of the Slavish Submissions that their Party made to *Cromwel*, both Father and Son. As for their Adhering to King *Charles* the first, there is a peculiar Boldness in our Authors Assertion, who says, that they had no Hope nor Interest in that Cause: The State of that Cause is not so quite forgot, but that we do well remember what Credit the Queen had with the King, and what Hopes She gave the Party; yet they did not so entirely espouse the King's Cause, but that they had likewise a flying Squadron in the Parliaments Army, how boldly forever this may be denied by our Author, for this I will give him a proof, that is beyond exception, in a Declaration of that Kings,

Kings, sent to the Kingdom of Scotland, bearing Date the 21st. of April 1643. which is printed over and over again; And as an Author that writes the History of the late Wars, had assured us the clean Draught of it, corrected in some places with the King's own Hand, is yet extant: so that it cannot be pretended, that this was only a bold Assertion of some of the Kings Ministers, that might be ill affected to their Party. In that Declaration the King studied to possess his Subjects of Scotland with the Justice of his Cause, and among other things, to clear himself of that Imputation that he had an Army of Papists about him, after many things said on that head, these words are added: '*Great numbers of that Religion have been with great Alacrity entertained in that Rebelious Army against us: and others have been seduced, to whom we had formerly denied Employments; as appears by the Examination of many Prisoners, of whom we have taken twenty and thirty at a time of one Troop or Company of that Religion.* I hope our Author will not have the Impudence to dispute the Credit that is due to this Testimony: but no Discoveries, how evident soever they may be, can affect some sort of men; that have a Secret against blushing.

V. Our Author exhorts us, to change our Principles of Loyalty, and to take Example of our Catholic Neighbours, how to behave our selves towards a Prince, that is not of our Perswasion: But would he have us learn of our Irish Neighbours, to cut our Fellow Subjects Throats; and rebel against our King, because he is of another Religion? for that is the freest Example that any of our Catholic Neighbours have set us: and therefore I do not look so far back, as to the Gunpowder-plot, or the League of France in the last Age. He reproaches us for failing in our Fidelity to our King. But in this matter we appeal to God, Angels and Men; and, in particular, to His Majesty. Let our Enemies shew any one Point of our Duty, in which we have failed: for as we cannot be charged for having preached any Seditious Doctrine, so we are not wanting in the Preaching of the Duties of Loy-

alty, even when we see what they are like to cost us. The Point which he singles out is, That we have failed in that grateful Return, that we owed His Majesty for his Promise, of Maintaining our Church as it is Established by Law; since upon that we ought to have repealed the Sanguinary Laws, and the late impious Tests: the former being enacted to maintain the Usurpations of Queen Elizabeth; and the other being contrived to exclude the present King. We have not failed to pay all the Gratitude and Duty that was possible, in return to his Majesties Promise; which we have carried so far, that we are become the Object even of our Enemies Scorn by it. With all Humility be it said, that if His Majesty had promised us a farther Degree of His Favour, than that of which the Law had assured us, it might have been expected, that our return should have a degree of Obedience beyond that which was required by Law; so that the return of the Obedience enjoined by Law, answers a Promise of a Protection according to Law; yet we carried this matter farther, for as was set forth in the beginning of this Paper, we went on in so high a pace of Compliance and Confidence, that we drew the censures of the whole Nation on us: nor could any Jealousies or Fears give us the least Apprehensions, till we were so hard pressed in matters of Religion, that we could be no longer silent: The same Apostle that taught us to Honour the King, said likewise, That we must obey God rather than Man. Our Author knows the History of our Laws ill; for besides what has been already said, touching the Laws made by Queen Elizabeth, the severest of our Penal Laws, and that which troubles him and his Friends most, was past by King James after the Gunpowder-plot; a provocation that might have well justified even greater Severities. But tho our Author may hope to impose on an Ignorant Reader, who may be apt to believe implicitly, what he says concerning the Laws of the last Age, yet it was too bold for him to assert, that the Tests, which are so lately made, were contrived to exclude the present King: when there was not a thought of Exclusion many

Years after the first was made, and the Duke was accepted out of the second by a special *Proviso*. But these Gentlemen will do well never to mention the Exclusion; for every time that it is named, it will make People call to mind, the Service that the Church of England did in that matter, and that will carry with it a Reproach of Ingratitude that needs not be aggravated. He also confounds the two Tests, as if that for publick Employments, contained in it a Declaration of the King's being an Idolater, or as he makes it, a *Pagan*: which is not at all in it, but in the other for the Members of Parliament, in which there is, indeed, a Declaration, That the Church of Rome is guilty of Idolatry; which is done in general terms, without applying it to His Majesty, as our Author does: Upon this he would infer, that His Majesty is not safe till the Tests are taken away: but we have given such Evidences of our Loyalty, that we have plainly shewed this to be false, since we do openly declare, that our Duty to the King is not founded on his being of this or that Religion; so that His Majesty has a full Security from our Principles, tho' the Tests continue, since there is no reason that we, who did run the hazard of being ruined by the Excluders, when the Tide was so strong against us, would fail His Majesty now, when our Interest and Duty are joyned together: but if the Tests are taken away, it is certain that we can have no Security any longer; for we shall then be laid open to the Violence of such restless and ill-natured Men, as the Author of this Paper and his Brethren are.

VI. The same reason that made our Saviour refuse to throw himself down from the Roof of the Temple, when the Devil tempted him to it, in the vain Confidence, that Angels must be assitant to him to preserve him, holds good in our Case. Our Saviour said, *Thou shalt not tempt the Lord thy God*. And we dare not trust our selves to the Faith and to the Mercies of a Society, that is but too well known to the World, to pretend, that we should pull down our Pales, to let in

such Wolves among us. God and the Laws hath given us a legal Security, and His Majesty has promised to maintain us in it: and we think it argues no distrust, either of God, or the truth of our Religion, to say, that we cannot by any act of our own, lay our selves open, and throw away that Defence. Nor would we willingly expose His Majesty to the unwearied Sollicitations of a sort of Men, who, if we may Judge of that which is to come, by that which is past, would give him no rest, if once the Restraints of Law were taken off, but would drive matters to those Extremities, to which we see their Natures carry them headlong.

VII. The last Paragraph is a strain worthy of that School that bred our Author; he says, *His Majesty may withdraw his Royal Protection from the Church of England which was promised her upon the account of her constant Fidelity*; and he brings no other Proof to confirm so bold an Assertion but a false Axiome of that despised Philosophy, in which he was bred: *Cessante causa tollitur Effectus*. This is indeed such an Indignity to His Majesty, that I presume to say it with all humble Reverence, these are the last persons whom he ought to pardon, that have the boldness to touch so sacred a point as the Faith of a Prince, which is the chief Security of Government, and the Foundation of all the Confidence that a Prince can promise himself from his People, and which, once blasted, can never be recovered: Equivocations may be both taught and practised with less danger by an Order that has little Credit to lose; but nothing can shake Thrones so much, as such treacherous Maxims. I must also ask our Author, in what point Fidelity has our Church failed so far, as to make her forfeit her Title to His Majesties Promises? for as he himself has stated this matter, it comes all to this. The King promised that he would maintain the Church of England as Established by Law. Upon which in Gratitude he says, that the Church of England, was bound to throw up the chief Security that she had in her Establishment by Law; which is, that all who are intrusted either with the Legislative or the executive Parts of our Government,

Government, must be of her Communion; and if the Church of *England* is not so Tame and so Submissive, as to part with This, then the King is free from his Promise, and may withdraw his Royal Protection; though I must crave leave to tell him, that the Laws gave the Church of *England* a Right to that Protection, whether His Majesty had promised it or not.

Of all the Maxims in the World, there is none more more hurtful to the Government, in our present Circumstances, than the saying,

That the Kings promises and the peoples fidelity ought to be Reciprocal; and that a Failure in the one, cuts off the other; for by a very natural consequence the Subject may likewise say, that their Oaths of Allegiance being founded on the Assurance of His Majesties Protection, the One binds no longer than the Other is observed: and the inferences that may be drawn from hence will be very terrible, if the Loyalty of the so much decry'd Church of *England*, does not put a stop to them.

A LETTER, containing some Remarks on the Two Papers, writ by His late Majesty King Charles the Second, concerning Religion.

SIR,

I Thank you for the two Royal Papers, I that you have sent me: I had heard of them before, but now we have them so well attested, that there is no hazard of being deceived by a false Copy: you expect that in return, I should let you know, what Impression they have made upon me. I pay all the reverence that is due to a Crown'd Head, even in Ashes; to which I will never be wanting: far less am I capable of suspecting the Royal Attestation that accompanies them; of the truth of which I take it for granted no man doubts; but I must crave leave to tell you, that I am confident, the late King only copied them, and that they are not of his Composing: for as they have nothing of that free Air, with which he expressed himself; so there is a Contexture in them, that does not look like a Prince; and the beginning of the first shews it was the effect of a Conversation, and was communicated to another: so that I am apt to think they were Composed by another, and were so well relished by the late King, that he thought fit to keep them, in order to his examining them more particularly: and that he was prevailed with to Copy them, lest a Paper of that nature might have been made a Crime if it had been found about him written by any other hand; and I could name one or two persons, who as they were able enough to Compose such papers, so had power enough over his Spirit to engage him to Copy them, and to put themselves out of danger by restoring the Original.

You ought to address your self to the Learned Divines of our Church, for an answer to such things in them as puzzle you, and not to one that has not the honour to be of that Body, and that has now carried a Sword for some time, and employs the leisure that at any time he enjoys, rather in Philosophical and Mathematical Enquiries than in matters of Controversie. There is indeed one consideration that determined me more easily to comply with your desires, which is, My having had the honour to discourse copiously of those matters with the late King himself: and he having proposed to me some of the particulars that I find in

those Papers, and I having said several things to him, in answer to those Heads, which he offered to me only as Objections, with which he seemed fully satisfied, I am the more willing to communicate to you, that which I took the liberty to lay before His late Majesty on several occasions: the particulars on which he insisted in discourse with me, were the *Uselessness of a Law without a Judge, and the necessity of an Infallible Tribunal, to determine Controversies; to which he added, the many Sects that were in England, which seemed to be a necessary consequence of the Liberty that every one took to interpret the Scriptures: and he often repeated that of the Church of England's arguing, from the Obligation to obey the Church, against the Sectaries, which he thought was of no force, unless they allowed more Authority to the Church than they seemed willing to admit, in their Disputes with this Church of Rome.* But upon the whole matter, I will offer you some Reflections, that will, I hope, be of as great weight with you, as they are with my self.

I. All Arguments that prove upon such general Considerations, that there ought to be an Infallible Judge named by Christ, and clothed with his Authority, signify nothing, unless it can be shewed us, in what Texts of Scripture that nomination is to be found; and till that is shewed, they are only Arguments brought to prove that *Christ ought to have done somewhat that he has not done.* So these are in effect so many Arguments against Christ, unless it appears that he has Authorized such a Judge: therefore the right way to end this dispute, is, To shew where such a Constitution is Authorized: So that the most that can be made of this, is, That it amounts to a favorable presumption.

II. It is a very unreasonable thing for us to form presumptions, of what is, or ought to be, from Inconveniences that do arise, in case that such things are not: for we may carry this so far, that it will not be easie to stop it. It seems more suitable to the infinite Goodness of God, to communicate the knowledge of himself to all mankind, and to furnish every Man with such assistances as will certainly prevail over him. It seems also reason-



reasonable to think, that so perfect a Saviour as Jesus Christ was, should have shewed us a certain Way, and yet consistent with the free use of our Faculties, of avoiding all Sin: nor is it very easie so to imagine, that it should be a reproach on his Gospel, if there is not an Infalible Preservative against Error, when it is acknowledged, that there is no Infalible Preservative against Sin: for it is certain, that the one Damns us more Infalibly, than the other.

III. Since presumptions are so much insisted on, to prove what things must be appointed by Christ; it is to be considered, that it is also a reasonable Presumption, that if such a Court was appointed by him, it must be done in such plain Terms, that there can be no room to question the meaning of them: and since this is the Hinge upon which all other matters run, it ought to be expressed so particularly, in whom it is vested, that there should be no occasion given to dispute, whether it is in one Man or in a Body; and if in a Body, whether in the Majority, or in the two thirds, or in the whole Body unanimously agreeing; in short, the chief thing in all Governments being the Nature and Power of the Judges, those are always distinctly specified; and therefore if these things are not specified in the Scriptures; it is at least a strong Presumption, that Christ did not intend to authorize such Judges.

IV. There were several Controversies raised among the Churches to which the Apostles writ, as appears by the Epistles to the *Romans*, *Corinthians*, *Galatians*, and *Colossians*, yet the Apostles never make use of those Passages that are pretended for his Authority to put an end to those Controversies; which is a shrewd Presumption, that they did not understand them in that sense in which the Church of Rome does now take them. Nor does St. Paul in his Epistles to *Timothy* and *Titus*, reckon this

of submitting to the directions of the Church for one, which he could not have omitted, if this be the true meaning of those disputed Passages: and yet he has not one word founding that way, which is very different from the directions which one possessed with the present view that the Church of Rome has of this matter, must needs have given.

V. There are some things very expressly taught in the *New Testament*, such as the rules of a good life, the Use of the Sacraments, the addressing our selves to God, for the Mercy and Grace, thro the Sacrifice that Christ offered for us on the Cross, and the worshipping him as God, the Death, Resurrection and Ascension of Jesus Christ, the Resurrection of our Bodies and Life Everlasting: by which it is apparent, that we are set beyond doubt in those matters; if then there are other passages more obscure concerning other matters, we must conclude, that these are not of that Consequence, otherwise they would have been as plainly revealed as others are; but above all, if the Authority of the Church is delivered to us in disputable terms, that is a just prejudice against it, since it is a thing of such Consequence, that it ought to have been revealed in a way so very clear and past all dispute.

VI. If it is a Presumption for particular Persons to judge concerning Religion, which must be still referred to the *Priests* and other Guides in sacred matters, this is a good Argument to oblige all Nations to continue in the *Established Religion*, whatever it may happen to be; and above all others, it was a convincing Argument in the Mouths of the *Jews* against our Saviour. He pretended to be the *Messiah*, and proves it both by the *Prophecies* that were accomplished in him, and by the *Miracles* that he wrought: as for the *Prophecies*, the Reasons urged by the Church of Rome will conclude much stronger, that such dark passages as those of the Prophets were, ought not to be interpreted by particular Persons, but that the

Exposition of these must be refered to the Priests and Sanhedrin, it being expressly provided in that Law (Deut. 17. 8.) *That when Controversies arise, concerning any Cause that was too intricate, they were to go to the place which God should choose; and to the Priests of the Tribe of Levi, and to the Judge in those days, and that they were to declare what was right, and to their decision all were obliged to submit, under pain of Death: So that by this it appears, that the Priests in the Jewish Religion were authorised in so extraordinary a manner, that I dare say, the Church of Rome would not wish for a more formal Testimony on her behalf: As for our Saviour's Miracles, these were not sufficient neither, unless his Doctrine was first found to be good: since Moses had expressly warned the People, (Deut. 18. 1.) *That if a Prophet came and taught them to follow after other Gods, they were not to obey him, though he wrought Miracles to prove his Mission, but were to put him to Death: So a Jew saying, that Christ by making himself one with his Father, brought in the worship of another God, might well pretend that he was not oblig'd to yield to the Authority of our Saviour's Miracles, without taking cognizance of his Doctrine, and of the Prophecies concerning the Messiah, and in a word, of the whole matter. So that, if these Reasonings are now good against the Reformation, they were as strong in the mouths of the Jews against our Saviour: and from hence we see, that the Authority that seems to be given by Moses to the Priests, must be understood with some Reflections; since we not only find the Prophets, and Jeremy in particular, opposing themselves to the whole Body of them, but we see likewise, that for some considerable time before our Saviour's days, which is the Law of Christians, particular persons not only many ill-grounded Traditions had got in among them, by which the vigor of the moral Law was much enervated, but likewise they were universally possessed with a false notion of their Messiah; so that even the Apostles themselves had not quite shaken off those prejudices at the time of our Saviour's Ac-**

ception. So that I see a Church, that was still the Church of God, that had the appointed means of the Expiations of their Sins, by their Sacrifices and Washings, as well as by their Circumcision, was yet under great and fatal Errors, from which particular persons had no way to extricate themselves, but by examining the Doctrine and Texts of Scripture, and by judging of them according to the Evidence of Truth; and the force and freedom of their Faculties.

VII. It seems Evident, that the passage (*Tell the Church*) belongs only to the reconciling of Differences: that of binding and loosing, according to the use of those terms among the Jews signifies only an Authority that was given to the Apostles, of giving precepts, by which men were to be obliged to such Duties, or set at liberty from them: and (*the gates of Hell not prevailing against the Church*) signifies, that the Christian Religion was never to come to an end; or to perish: and that of (*Christ being with the Apostles to the end of the world*) imports only a special conduct and protection which the Church might always expect, but as the promise, *I will not leave thee nor forsake thee*; that belongs to every Christian, does not import an Infallibility: no more does the other. And for those passages concerning (*the spirit of God that searches all things*) it is plain that in them St. Paul is treating of the divine Inspiration, by which the Christian Religion was then opened to the World, which he sets in opposition to the wisdom or Philosophy of the Greeks; so that as all those passages come short of proving that for which they are alledged, it must at last be acknowledged, that they have not an Evidence great enough to prove so important a truth, as some would evince by them, since 'tis a matter of so vast consequence, that the proofs for it must have an undoubted Evidence.



VIII. In the matters of Religion two things are to be considered first, the Account that we must give to God, and the Rewards that we expect from him : and in this every man must answer for the sincerity of his heart, in examining divine Matters, and the following what (upon the best enquiries one could make) appeared to be true : and with relation to this, there is no need of a Judge : for in that Great Day every one must answer to God according to the Talents that he had, and all will be saved according to their Sincerity ; and with relation to that judgment, there is no need of any other judge but God. A second view of Religion, as it is a Body united together, and by consequence brought under some Regulation : and as in all States, there are subalterne Judges, in whose decisions all must at least acquiesce, tho' they are not infallible ; there being still a sort of an appeal to be made to the Sovereign or the supreme legislative Body ; so the Church has a subalterne Jurisdiction, but as the authority of inferior Judges is still regulated, and none but the Legislative themselves have an Authority equal to the Law ; so it is not necessary for the preservation of Peace and Order, that the Decisions of the Church should be *Infallible*, or of equal Authority with the *Scriptures*. If Judges do so manifestly abuse their Authority, that they fall into Rebellion and Treason, the Subjects are no more bound to consider them ; but are obliged to resist them, and to maintain their obedience to their Sovereign ; tho' in matters their Judgment must take place, till they are reversed by the Sovereign. The case of Religion being then this, That *Jesus Christ is the Sovereign of the Church* ; the Assembly of the *Pastors* is only a subalterne Judge : if they manifestly oppose themselves to the *Scriptures*, which is the *Law of Christians*, particular persons may be supposed as competent Judges of that, as in civil Matters they may be of the Rebellion of the Judges, and in that case they are bound still to maintain their Obedience to *Jesus Christ*. In matters indifferent, *Christians* are bound, for the preservation of Peace and Unity, to acquiesce

in the Decisions of the Church, and in matters justly doubtful, or of small Consequence, tho' they are convinced that the *Pastors* have erred, yet they are obliged to be silent, and to bear tolerable things rather than make a Breach, but if it is visible, that the *Pastors* do Rebel against the Sovereign of the Church, I mean *Christ*, the people may put in their Appeal to that great Judge, and there it must lie. If the Church did use this Authority with due Discretion, and the people follow the rules that I have named with humility and modesty, there would be no great danger of many Divisions ; but this is the great Secret of the providence of God, that men are still men, and both *Pastors* and People mix their Passions and Interests so with matters of Religion, that as there is a great deal of sin and vice still in the World, so that it appears in the Matters of Religion as well as in other things : but the ill Consequences of this : tho' they are bad enough, yet are not equal Effects that ignorant Superstition, and obedient Zeal have produced in the World, Witness the *Rebellions and Wars* for establishing the Worship of Images ; the *Crossaders* against the *Saracens*, in which many millions were lost ; those against *Hereticks*, and *Princes* deposed by *Popes*, which lasted for some Ages ; and the *Mallace of Paris*, with the *Butcheries* of the Duke of *Alva* in the last Age, and that of *Ireland* in this : which are, I suppose far greater Mischiefs than any that can be Imagined to arise out of a small Diversion of *Opinions* : and the present State of this Church, notwithstanding all those unhappy Rents that are in it, is a much more desirable thing, than the gross Ignorance and blind Superstition that reigns in *Italy* and *Spain* at this day.

IX. All these reasonings concerning the Infallibility of the Church signify nothing, unless we can certainly know, whether we must go for this Decision : for while one Party shews us, that it must be in the *Pope*, or is no where, and another Party says it Cannot be in the *Pope*, because as many *Popes* have erred, so this is a Doctrine that was not known in the Church for a thousand Years, and that has been disputed

ever since it was first asserted, we are in the right to believe both sides; first, that if it is not in the Pope, it is no where; and then, that certainly it is not in the Pope; and it is very incongruous to say, that there is an infallible Authority in the Church, and that yet it is not certain where one must seek for it; for the one ought to be as clear as the other, and it is also plain, that what Primacy so ever St. Peter may be supposed to have had, the Scripture says not one word of his Successors at Rome; so at least this is not so clear, as a matter of this consequence must have been, if Christ had intended to have lodged such an Authority in that See.

X. It is no less in congruous to say, that this Infallibility is in a General Council: for it must be somewhere else, otherwise it will return only to the Church by some Stairs, and after long intervals; and as it was not in the Church, for the first 320 years, so, it has not been in the Church these last 170 years. It is plain also, that there is no Regulation given in the Scriptures; concerning this great Assembly, who have a right to come and Vote, and what forfeits this right, and what numbers must concur in a Decision, to assure us of the Infallibility of the Judgment. It is certain, there was never a General Council of all the Pastors of the Church: for those of which we have the Acts, were only the Councils of the Roman Empire, but for those Churches, that were in the South of *Africa*, or the Eastern Parts of *Asia*, beyond the bounds of the Roman Empire, as they could not be summoned by the Emperors Authority, so it is certain none of them were present: unless one or two of *Persia* at *Nice*, which perhaps was a Corner of *Persia* belonging to the Empire; and unless it can be proved, that the Pope has an Absolute Authority to cut off whole Churches from their right of coming to Councils; there has been no General Council these last 700 years in the World, ever since the Bishops of *Rome* have excommunicated all the Greek Churches upon such trifling reasons, that their own Writers are now ashamed of them; and I will ask no more of a Man of a Competent understanding to justify him that the Council of *Trent* was no General Council, Acting in that Freedom that

became Bishops, than that he will be, as he pains to read Card. *Pallavini* History of that Council.

XI. If it is said, that this Infallibility is to be sought for in the Tradition of the Doctrine in all Ages, and that every particular Person must examine this: here is a Sea before him, and instead of examining the small Book of the *New Testament*, he is involved in a study that must cost a man an Age to go thro in; and many of the Ages thro which he carries this Enquiry, are so dark, and have produced so few Writers, at least so few are preserved to our days, that it is not possible to find out their belief. We find also, Traditions have varied so much, that it is hard to say that there is much weight to be laid on this way of Conveyance. A Tradition concerning Matters of Fact that all People see, is less apt to fail than a Tradition of Points of Speculation: and yet we see very near the Age of the Apostles, contrary Traditions touching the Observation of *Easter*, from which we must conclude, that either the Matter of Fact of one side, or the other, as it was handed down, was not true, or at least that it was not rightly understood. A Tradition concerning the Use of the Sacraments, being a visible thing, is more likely to be exact, than a Speculation concerning their nature; and yet we find a Tradition of giving Infants the Communion, grounded on the indispensable necessity of the Sacrament, continued 1000 years in the Church. A Tradition on which the Christians founded their Joy and Hope, is less like to be changed, than a more remote Speculation and yet the First Writers of the Christian Religion had a Tradition handed down to them by those who saw the Apostles, of the Reign of Christ for a Thousand Years upon Earth; and if those who had Matters at second hand from the Apostles, could be thus mistaken, it is more reasonable to apprehend greater Errors at such a distance. A Tradition concerning the Book of the Scriptures is more like to be exact, than the Exposition of some passages in it; and yet we find the Church did unanimously believe the Translation of the 70 Interpreters to have been the

the effects of a miraculous Inspiration; till Saint Jerome examined this matter better; and made a New Translation from the Hebrew Copies. But which is more than all cheir. It seems plain, that the Fathers before the Council of Nice believed the Divinity of the Son of God to be in some sort different to that of the Father, and for some Ages after the Council of Nice, they believed them indeed both equal, but they considered these as two different Beings, and only one in Essence, as three men have the same humane Nature in common among them; and that as one Candle lights another, so the one flowed from another; and after the fifth Century the Doctrine of one Individual Essence was received; if you will be further informed concerning this, *Father Petrus* will satisfy you as to the first Period before the Council of Nice, and the learned Dr. *Cudworth* as to the second. In all which particulars it appears, how variable a Thing Tradition is. And upon the whole Matter the examining Tradition thus, is still a searching among Books, and there is no living Judge.

XII. If then the Authority that must decide Controversies, lies in the Body of the Pastors scattered over the World, which is the last resortment, here as many and as great Scruples will arise, as we found in any of the former Heads. Two difficulties appear at first view, the one is, how can we be assured that the present Pastors of the Church are derived in a just Succession from the Apostles: there are no Registers extant that prove this: So that we have nothing for it but some Histories, that are so excellently writ, that we find many mistakes in them in other Matters; and they are so different in the first links of that Chain, that immediately succeeded the Apostles that the utmost can be made of this, that here is an Historical Relation somewhat doubtful; but here is nothing to found our Faith so that if a succession from the Apostles times, is necessary to the Constitution of that Church, to which we must submit our selves, we know not where to find it: besides that, the Doctrine of the necessity of the Intervention of the Minister to the Validity of a Sacrament, throws us into inextricable difficulties. I know they generally say, that by the intention

they do not mean the inward Acts of the Minister of the Sacraments, but only that it must appear by his outward deportment, that he is in earnest going about a Sacrament, and not doing a thing so jest; and this appeared so reasonable to me, that I was sorry to find our Divines urge it too much: till running over the Rubrics that are at the beginning of the Mass, I found upon the head of the Intention of the Minister, that if a Priest hath a notion of Hell-fire before him to be consecrated, and intends to consecrate himself, except one, in that case that Vagrant exception falls upon them all, it is not being affixed to any one, and it is defined that he consecrates none at all. Here it is plain, that the secret Acts of a Priest can defeat the Sacrament: so this overthrows all certainty concerning a Succession: but besides all this, we are sure, that the *Catholic Churches* have a much more uncontested Succession than the *Lutherans*: So that a Succession cannot direct us. And if it is necessary to seek out the Doctrines that are universally received; this is not possible for a private Man to know or know. So that in ignorant Countries, where there is little Study, the People have no other certainty concerning their Religion, but what they take from their Curate and Confessor: since they cannot examine what is generally received. So that it must be confessed that all the Arguments that are brought for the necessity of a constant *Infallible Judge*, turn against all those of the Church of Rome, that do not acknowledge the *Infallibility of the Pope*: for he is not *Infallible*, they have no other Judge, that can pretend to be. It were also easy to shew, that some Doctrines have been as universally received received in some Ages, as they have been rejected in others; which shews, that the Doctrine of the present Church is not always a sure measure. For since Ages together, the Doctrine of the Popes Power to depose Heretical Princes was received without the least Opposition: and this cannot be doubted by any that knows what has been the State of the Church since the End of the eleventh Century: and yet I believe few Princes would allow this, notwithstanding all the commanding Authority of so many Ages, so foolish is it. I could carry this into a great many other

other Instances, but I single out this because it is a point in which Princes are naturally extremely sensible.

Upon the whole Matter, it can never enter into my mind, that God who has made man a Creature, that naturally enquires and reasons, and that feels as sensible a pleasure when he can give himself a good account of his actions, as one that feels, does perceive in comparison to a blind man that is led about; and that this God that has also made Religion on design to perfect this Humane Nature; and to raise it to the utmost height to which it can arrive, he has contrived it to be dark, and to be so much beyond the penetration of our Faculties, that we cannot find out his mind in those things that are necessary for our Salvation; and that the Scriptures, that were writ by plain men, in a very familiar stile, and address without any discrimination to

the Vulgar, should become such an in intelligible Book in these Ages, that we must have an *Infidile Judge* to expound it; and when I see not only Popes, but even some Bodies that pass for General Councils, have so expounded many passages of it, and have wrested them so visibly, that none of the modern Writers of that Church pretend to excuse it. I say I must freely own to you, that when I find that I need a Commentary on dark passages, these will be the last persons to whom I will address my self for it. Thus you see how fully I have opened my mind to you in this matter; I have gone over a great deal of ground in as few words as is possible, because hints I know are enough for you; I thank God, these Considerations do fully satisfy me, and I will be infinitely joyed, if they have the same effect on you.

I am yours.

His Letter came to London with the return of the first Post after his late Majesties Papers were sent into the Countrey; some that saw it, liked it well, and wished it to have it publick, and the rather, because the Writer did not so entirely confine himself to the Reasons that were in those Papers, but took the whole Controversy to task in a little compass, and yet with a great variety of Reflections. And this way of examining the whole matter, without following those Papers word for word, or the finding more fault than the common concern of this Cause required, seemed more agreeing to the respect that is due to the Dead, and more particularly to the Memory of so great a Prince; but other considerations made it not so easy nor so advisable to procure a Licence for the Printing this Letter, it has been kept in private hands till now: those who have boasted much of the Shortness of the late Kings Papers, and of the length of the Answers that have been made to them, will not find so great a disproportion between them and this Answer to them.

*The Citation of Gilbert Burnet, D. D. To answer in Scotland, on the 27th. June Old Stile, for High Treason: Together with his Answer; and Three Letters writ by him, upon that Subject, to the Right Honourable the Earl of Midletoune, his Majesties Secretary of State.*

I Know the Disadvantages of pleading ones Innocence, especially when he is prosecuted at the suit of his Natural Prince, to whom he owes so profound a Duty; and this has kept me so long in a respectful Silence, after I

had seen my Name in so many *Gazettes*, affected with the blackest of all Crimes: but there is both a time to be silent, and a time to speak: and as hitherto I have kept my self within the bounds of the one, so I do now take

take the Liberty which the other allows me: but, but I was not hitherto silent, where I ought to speak; for I have made many humble Addresses to his Majesty, by the Earl of Middleton his Secretary of State; hoping that my Innocence, joyned with my most humble Duty, would have broke through all those Prejudices and false Informations, with which my Enemies had possessed His Majesty against me.

Upon the first Notice that I had of His Majesties having writ to the Privy Council in Scotland, ordering Process to be issued out against me for High Treason, I writ my First Letter: in that I could enter into no Particulars; for in the Advertisement that was sent me, it was said, that there was no special Matter laid to my charge in the King's Letter. Some days after that I received a Copy of my Citation, so which I presently writ an Answer, and sent that with my Second Letter to the same Noble Person; to both these Letters I received no Answer: but I was advertised, that some Exceptions were taken at some Words in my First Letter; and this led me to write my Third Letter, for explaining and justifying those words. I have kept my self thus within all those Bounds that I thought my duty served; and am not a little troubled, that I am now forced to speak for my self. I have delayed doing it as long as I had any reason to hope, that my Justification of my self was like to produce the effect which I most humbly desired, and which I expected; but now the Day of my Appearance being being come; in which it is probable Sentence will pass against me, since I have had no Intimations given me to the contrary, I hope it will not shew either the least Impatience, or the want of that Submission, which I have on all occasions payed to every thing that comes to me from that Authority, under which God had placed me; that I publish these Papers for my own Vindication: If it had been only in defence of my Life and Reputation, that I had been led to appear in such a manner, I could have more easily restrained my self: and have left these to be Sacrifices to the Unjust Rage of those, who have so far persecuted our His Majesties readiness to believe them, as to drive this matter so far;

but the Honour of that Holy Religion which I profess, and the Regard I bear to that Sacred Function to which I am dedicated, lay such Obligations on me, that I am determined by them, to declare my Innocence to the World, which I intend to do more copiously within a little while: But in the mean time, I hope the following Papers will serve to shew how clear I am of all the Matters that are laid to my Charge.

There is one particular which is come to my Knowledge, since I writ my Answer, that will yet more evidently discover my Innocence: I have receiv'd certain Informations from England, that both Sir John Cochran and his Son, and Mr. Baxter, have declared upon many Occasions, and to many Persons, that they cannot imagine how they come to be Cited as Witnesses against me; that they can scarce believe it can be true: since they know nothing that can be any way to my Prejudice; and that they must clear me of all the Matters objected to me in this Citation, and the Two Witnesses, that as it seems are cited for that Article that relates to Holland, have solemnly declared, that they know nothing relating to me, or to the Matters specified in this Citation, which one of them has signified to my self in a Letter under his hand; so that the falsehood of this Accusation is so evident, that it serves to discover the Folly, as well as the Impudence of those who have contrived it.

But it is yet too early to set on a Persecution for Matters of Religion, therefore Crimes against the State must be pretended, and fastned on those whom these Men intend to destroy. And, as foul and black Scandals are invented to defame me, and put in the mouths of those who are ready to believe and report every thing that may disgrace me, without considering that they do a thing that is as unbecoming them, as it is Base and Unjust in it self; so all Arts are used to destroy me; but I trust to the protection of that Great GOD, who sees the injustice that is done me; and who will in his own Time and Way vindicate my Innocence; and understand I trust to the Protection of the HIGH AND MIGHTY STATES OF HOLLAND AND WEST-FRIESLAND.

My



## My First Letter to the Earl of Middlemarch.

May it please your Lordship,

**T**HE Affairs of these Provinces belonging to Your Lordship's share in the Ministry, lead me to make this most humble Address to You, and by Your Lordship to His Majesty.

I have received Advertisements from Scotland, that the King has writ to the Privy Council, ordering me to be proceeded against for High Treason against His Person and Government: and that pursuant to this, the King's Advocate has cited me to appear there; if any thing in this World can surprise or disorder me, this must needs do it: For as few have writ more and preach'd oftener against all sorts of Treasonable Doctrines and Practices than myself, so all the Discoveries that have been made of late years have been so far from aspersing me, that though there has been disposition enough to find fault with me, yet there has not been Matter given so much as for an Examination. It is now thirteen Years since I came out of Scotland: and for these last five years, I have not so much as mentioned the commonest News in any Letter I have writ to any in that Kingdom: I do not mention Acts of Intemperance, because I know that I do not need the benefit of them. I went out of England by His Majesty's Appointment: and I have stayed out of it because His Majesty expressed his dislike of my returning to it. I am now upon the Point of Marrying in this Country, and am Naturalized by the Statutes of Holland: but though by this; during my stay here, my Allegiance is translated from his Majesty to the Sovereignty of this Province, yet I will never depart from the profoundest Respect to his Sacred Person, and Duty to his Government: since my coming into this part, I have not seen any one Person either of Scotland or England that is or would stir Treason; and when the King took Exceptions at the Access I had in the Prince and Princess of Orange, there was not any thing of this kind objected.

My Lord, as I am not ashamed of any thing I have done, so I am not afraid of any thing that my Enemies can do to me: I say very easily, that with a small Estate, and with a Life, of which I have long twenty, and if my Engagements in this Country could suppose with in, I would not avoid the coming to stand my Trial: but as this cannot be expected in the State in which I am, so I humbly throw my self at his Majesties Feet, and beg that he may not condemn me so much as in his thoughts, till I know what is the Crime that is Objected to me, that so I may offer a most humble Justification of my self to him. I shall be infinitely sorry if any Judgment that may pass on me in Scotland, shall oblige me to appear in Print in my own Defences: for I cannot betray my own Innocence so far as to justify a thing of this nature to pass upon me, without Proving an aspersion for myself, in which I will be forced to make a denial of all that shews that I have had in effect these twenty years past a world in which I am mentioned a vast number of particulars, that I am afraid will be displeasing to his Majesty: and as I will look on this as one of the greatest misfortunes that can befall me, so with all the Duty and Humility in the World, I beg I may not be driven to it. I will not perform to you more than your Lordship has to claim any sort of Favour or Protection from you. For I address my self only to your Lordship as you are the Kings Minister for this Province.

My Lord, I am with all possible respect,  
Hugot, May 1687. May it please your Lordship,  
I am Lordships, and

*The Criminal Letters at the Instance of the Lord Advocate,  
against Doctor Gilbert Burnet.*

**J**AMES, &c. To our Lovits, &c. Herauls, Purse-vants, Macers and Messengers at Arms, our Sheriffs in that part conjunctly and severally specially constitute, Greeting. Forasmuch as it is humbly meant and complained to Us be Our Right Trustie and Familiar Councillor, Sir John Dalrymple the Younger, of Strair, our Advocate for our Interest, upon Doctor Gilbert Burnet,

That where, notwithstanding by the Laws and Acts of Parliament, and constant practise of this our Kingdom, the venting of slanderous, Treasonable and advised Speeches and Positions, and the reproaching our Person, Estate and Government, and the Receiving, Supplying, Aiding, Adjoining, intercomoning with, and doing Favours to denounced Rebels, or forfaitured Traitors, and punishable by forfeiture of Life, Land and Goods, and particularly by the 1. 3. 4. Act of 8. P. K. Ja. 6. It is Statute Ordained that none of our Subjects, of whatsoever Degree, Estate or Quality, shall presume or take upon hand, privatelie or publickly, in Sermons, Declamations, or Familiar Conferences, to utter any false, slanderous or untrue Speeches, to the Disdain, Reproach, or Contempt of Us, our Council or Proceedings, or to the dishonour, hurt or prejudice of Us, or to meddle in Affairs or Estate by-gone, present, or in time coming, under the pain of Death, and Confiscation of Moveables: And be the 10. Act 10 P. K. Ja. 6. It is Statute and Ordained, that all our Subjects contain themselves in Quietness and dutiful Obedience to Us, our Government and Authority, and that none of them presume nor take upon hand publickly to declame or privatelie to speak or write any Purpose of Reproach or Sclander against our Person, Estate or Government, or to deprave our Laws and Acts of Parliament, or misconstrue our Proceedings, whereby any Dislike may be moved betwixt Us, our Nobility and loving Subjects in time coming, under the Pain of Death, and that thes that do in the Contrair shall be repute as seditious and wicked Instruments, Enemies to Us and the Common-weel of this Realm, and that thes paine of Death shall be inflicted upon them with all Rigour in Example of others. And be the second Act 2. Sell. of the

first Parliament of K. Ch. 2. We and our Estates of Parliament do declare, that thes Positions, that it is lawfull for Subjects upon pretence of Reformation, or any other pretence whatsoever, to enter into Leagues or Covenants, or to take up Arms against Us, or thes Commissionat by Us, or to putt limitations upon their due Obedience and Allegiance, are Rebellious and Treasonable; and that all Persons who shall by Writing, Preaching, or other malicious and advised Speaking, express thes Treasonable Intentions, shall be proceeded against and adjudged Traitors, and shall suffer forfaiture of Life, Lands and Goods, lyke as by the third Act 1. P. of K. Ja. 1. and 37. Act of his second Parliament, and be the 9. Act of 13. P. K. James 2. and 144. Act 12. P. K. James 6. And diverse and sundry other Laws and Acts of Parliament of this our Kingdom; It is declared High Treason for any of our Subjects to Receive, Supply or Intercommon with declared or forfaitured Traitors, or give them Meat, Drink, Hous, Harbour, or any Relief or Comfort, and if they do in the Contrair, they are to undergo the same Pains the said Traitors or Rebels ought to have sustain'd, if they had been apprehended.

Nevertheless, It is of Verity, that the said Doctor Gilbert Burnet, shaking off all Fear of God, Conscience and Sense of Duty, Allegiance and Loyalty to Us his Sovereign and Native Prince, upon the Safetie of whole Person and Maintenance of whose Sovereign Authority and Princely Power, the Happiness, Stabilitie and Quietness of our Subjects do depend, Hes most perfidiously and treasonably presumed to commit, and is guilty of the Crimes above mentioned in sua far as Archbald Campbell, sometime Earl of Argyll; James Stewart, Sone to Sir James Stewart, sometime Provost of Edinburg; Mr. Robert Ferguson, sometime Chaplain to the late Earl of Shaftsbury; Thomas Stewart of Cultness, William Denbald, sometime of West-shills; Master Robert Martin, sometime Clerk to our Justice Court, and several other Rebels and Traitors, being most justly by our High Courts of Parliament, and Justice Courts, Forfaitured for the Crimes of Treason, and fled to our Kingdom of England, and to Holland, Flann  
ders,

ders, Geneva, and several other Places. The said Dr. Gilbert Burnet did upon the First, Second, and remanent days of the moneths of *January, February,* and remanent months of the year 1682. 1683. 1684. or *January, February, March,* or *April,* 1685. Converſie, Correſpond, and Intercomon with the ſaid *Archibald,* late Earl of *Argyle,* a Forſaulted Traitor, and that within the ſaid Dr. Burnet's dwelling Houſe in *Lincolns Inn-Fields,* near the *Plow-Inn* in our City of *London,* or Suburbs thereof, or ſome other part or place within our Kingdom of *England,* deſamed, ſlandered, and reproached, and adviſedlie ſpoke to the Diſdain and Reproach of our Perſon, Government and Authority, wrote ſeveral Letters, and received Answers thereto from the ſaid Forſaulted Traitor, when he was in *Holland,* or elſewhere, expreſſly contrary to his Duty and Allegiance to Us his Sovereign Lord and King. And ſuklik upon the firſt, ſecond, and third days of the months of *May, June, July, Auguſt, September, October, November,* and *December,* 1685. and upon the firſt, ſecond, and third days of the months of *January, February,* and remanent months of the year 1686. and firſt, ſecond, and third days of the months of *January, February, March,* 1687. or one or other of the days of one or other of the ſaid months or years; The ſaid Dr. Gilbert Burnet did moſt treaſonable Receipt, Supplied, Aided, Aſſiſted, Converſed and Intercomoned with, and did Favours to the ſaid *James Stewart, Mr. Robert Ferguſon, Thomas Stewart, William Denholm,* and *Mr. Robert Martyn,* forſaulted Traitors and Rebels in the Cities of *Rotterdam, Amſterdam, Leyden, Breda, Geneva,* or ſome other part or place within the *Netherlanda,* or elſewhere; publicly and avowedly uttered ſeveral ſpeeches and poſitions, to the diſdain of our Perſon, Authority and Government; continues and perſiſts in ſuch undutiſul and treaſonable praſtiſes againſt Us and our Government, (we being his Sovereign Lord and Prince) expreſſ contrair to his Allegiance and Duty.

By committing of the whilk Crimes above ſpecified, or either of them, The ſaid Doctor Burnet is guilty and culpable of the Crime of *High Treason,* and is Art and Part thereof; which being found to be aſe Inqueiſt, he ought and ſhould to ſuffer Forſaulture of Life, Land and

Goods, to the Terror and Example of others to commit the like hereafter. *Our Will is,* Heirſor, and we charge you ſtraitle, and Command, that incontinent this our Letter ſeen, ye paſſ, and in our Name and Authority, Command and Charge the ſaid Doctor Gilbert Burnet, above complained upon, be found of Trumpet with diſplayed Coar, and uſing other Solemnities neceſſary, to come and find ſufficient Caution and Sovertie acted in our Books of Adjournal, that he ſhall compeir before our Lords Juſtice General, Juſtice Clerck and Commiſſioners of Juſticiary, within the *Tolbuth* or Criminal Court houſe of *Edinburgh,* the twenty ſeventh day of *June* next to come, in the hour of Caus, there to underlye the Law for the Crimes abovementioned, and that under the Paines contained in the new Acts of Parliament; And that yee charge him perſonally, if he can be apprehended and ſalzeing thereof at his dwelling Houſe, and be open Proclamation at the Mercat Croſs of the head Burgh of the Shyre, Stewartie, Regalitie, and other Juriſdiction where he dwells, to come and find the ſaid Sovertie acted in maner forſaid within ſix days, if he be within this our Kingdom, and if he be out with the Samyne, that ye command and charge him in maner forſaid be open Proclamation at the Mercat Croce of *Edinburgh,* Peer and Shoar of *Leith,* to come and find the ſaid Sovertie within threſcore days next after he beis charged be you thereto under the pain of Rebellion, and putting of him to our Horn. Whilk ſix and threſcore days reſpectively being by paſt, and the ſaid Sovertie not being found, nor no intimation made by him to you of the finding thereof, that ye incontinent hereafter denounce him our Rebel, and put him to our Horn Eſcheat, and inbring all his moveable Goods and Geir to our Uſe for his Contemprion and Diſobediſſence. And if he come and find the ſaid Sovertie, Intimation always being made be him to you of the finding thereof, that ſummoned and Aſſyſe hereto not exceeding the number of ſourrie five Perſons, together with ſuch Wiſneſſes who beſt know the Veritie of the Premiſes, whoſe Names ſhall be given you in Roll ſubſcribed by the ſaid Complainor. Iſk perſon under the pain of one hundred Merks. And that ye within fifteen days after his denunciation for not finding of Caution,

Caution, Caus registrate thir Our Letters with your Execution thereof, in Our Books of Adjournal conform to the Act of Parliament made thereanent, according to Justice; as ye will answer to Us thereupon, the whilk to do Commits to you conjunctly and severallie Our full power be thir Our Letters delyvering them be yow duellie Execute and Indorsat again to the Bearer.

Given under Our Seal at *Edenburgh* the nineteenth day of *April*, and of Our Reign the third Year, 1678. *Ex deliberatione Dominorum Commissionariorum Justiciarum sit subscribitur.*

Signed 19.  
Apryle 1687.

Tho. Gordome,

The Witnesses against Doctor Gilbert Burnet are,

Sir John Cochran of Ochiltree.  
John Cochran of Watersyd.  
Mr. Robert West, Lawyer, Englishman.  
Mr. Zachary Bourne, Brewer, Englishman.

Mr. William Carstairs, Preacher.  
Robert Baird, Merchant in Holland.  
Mr. Richard Baxter, Preacher.

*An Answer to the Criminal Letters issued out against me.*

I Look upon it as a Particular Misfortune, that I am forced to answer a Citation that is made in His Majesties Name, which will be ever so Sacred with me, that nothing but the sense of an indispensable Duty could draw from me any thing that looks like a Contending with that sublime Character.

I owe the Defence of my own Innocence and of my own Reputation and Life to my self: I owe also to all my Kindred and Friends, to my Religion, as I am a Christian and a Protestant, and to my Profession as I am a Churchman; and above all, to His Majesty, as I am his Born-Subject, such a Vindication of my Loyalty and Integrity, as may make it appear, that my not going to *Scotland*, according to the Tenour of this Citation, does not flow from any sense of Guilt or Fear, but merely from those Engagements under which I am in *Holland*.

I hope my Contradicting or Refusing the Matters of Fact set forth in this Citation, shall not be so maliciously perverted by any, as if I meant to reflect either on His Majesty for writing to his Council of *Scotland*, ordering this Citation to be made, or on his Advocate for forming it, and issuing it out. But as I acknowledge, that upon the Information that it seems was offer'd of those matters here laid against me, it was very reasonable for His Ma-

jesty to order Justice to be done upon me; so his Advocate, in whose hands those Informations it seems are now put, had all possible reason to lay them against me, as he has done; and therefore I will not pretend to make an Exception to the Laws and Acts of Parliament, set forth in the first part of this Citation; but I will only answer the matters of Fact laid to my Charge; and whatsoever I say concerning them, does only belong to my false Accusers; and therefore I hope they will not be look't on as things in which even His Majesties Advocate, but much less His Sacred Majesty is in any ways concerned.

I am first accused for having seen, conversed with, and held correspondence with the late Earl of *Argyle*: and to make this appear the more probable, the place is marked very Critically, where I lived; and where, as it is pretended, we met. But as it is now almost two years since the late *Argyle* was taken and suffered; and that a full account was had of all his secret Practices, in all which I have not been once so much as mentioned, though it is now a year since I have lived and Preach't openly in these Provinces. The truth is, that for Nine years before the late Earl of *Argyle*'s forfeiture, I had no sort of Correspondence with him, nor did I ever see him since the year, 1676. After

his Escape out of Prison I never saw him, nor writ to him, nor heard from him, nor had any sort of Commerce with him, directly nor indirectly: the Circumstance of my House, and the Place in which I lived, is added, to make the thing look somewhat probable: but though it is very easie to know where I lived, and I having dwelt in *Lincoln-Inn-Fields* the space of seven years, it was no hard matter to add this particular; yet so inconsiderate is the Malice of my Enemies, that even in this, it leads them out of the way; for soon after *Argyle's* Escape, and during the stay that as is believed he made in *London*, I had removed from *Lincoln-Inn-Fields* into *Brook Buildings*; this makes me guess at the Informer, who saw me often in the one House, but never in the other: and yet even he, who has betrayed all that ever past between us, has not Impudence enough to charge me with the least Disloyalty, though I concealed very few of my thoughts from him.

With this of my seeing *Argile*, the Article of the Scandalous and Treasonable words pretended to be spoken by me to him, against His Majesties Person and Governments, falls to the ground; it is obvious that this cannot be proved, since *Argile* is dead: and it is not pretended that these words were uttered in the hearing of other Witnesses: nor is it needful to add, that His Majesty was then only a Subject, so that any Words spoken of him at that time cannot amount to Treason: but I can appeal to all those with whom I have ever conversed, if they have ever heard me fail in the respect I owed the King: and I can easily bring many Witnesses from several parts of *Europe*, of the Zeal with which I have on all occasions exprest my self on those Subjects, and that none of all those hard words, that have been so freely bestowed on me, has made me forget my Duty the least.

I am in the next place accused of Correspondence with *James Stewart*, *Mr. Robert Ferguson*, *Thomas Stewart*, *William Denbism*, and *Mr. Robert Martyn*, since my coming out of *England*, and that I have entertained and supplied them in Foreign Parts; particularly in the Cities of *Amsterdam*, *Rotterdam*, *Leyden*,

*Breda*, *Geneva*, or in some other parts within the *Netherlands*. This Article is so very ill laid in all its branches, that it shews my Enemies have very ill Informations concerning my most general Acquaintance since, though there are, amongst those that are condemn'd for Treason, some that are of my Kindred and ancient Acquaintance; they have here cast together a Company of men who are all (*James Stewart* only excepted) absolutely unknown to me, whom I never saw, and with whom I never exchanged one word in my whole Life, as far as I can remember; one of them, *Mr. Robert Martyn*, was, as I ever understood it, dead above a year before I left *England*; as for *James Stewart*, I had a general Acquaintance with him twenty years ago, but have had no Commerce with him now for many years, unless it was that I saw him twice by accident, and that was several years before there was any Sentence past on him: my Accusers know my motion ill, for I have not been in *Breda* this twenty three years. I settled in the *Hague* upon my coming into *Holland*, because I was willing to be under the Observation of His Majesties Envoy: and I chose this place the rather, because it was known, that none of those that lay under Sentences come to it, I have never gone to *Amsterdam* or *Rotterdam* in secret: and have never been there but upon my private Affairs, and that never above a Night or two at a time; and I have been so visible all the while that I was in those places, that I thought there was no room left even for Calumny.

In the last place, it is said, that I have publicly and avowedly uttered several Speeches and Positions to the Disdain of his Majesties Person, Authority and Government, and that I continue and persist in those Treasonable Practices. This is so generally asserted, that it is enough for me to say, that it is positively false: but I have yet clearer Evidence to the contrary of this; I have preached a whole Sermon in the *Hague* against all Treasonable Doctrines and Practices; and in particular, against the lawfulness of Subjects rising in Arms against their Sovereign, upon the Account of Religion: and I have maintained this so oft, both in publick and in private, that I could,



could, if I thought it convenient, give proofs of it that would make all my Enemies be ashamed of their Injustice and Malice.

The Witnesses cited against me are, first, Sir *John Cochran*, whom I have not seen above this four years last past, and with whom I have had no sort of Commerce since I saw him. It is almost two years since he had his Pardon, so it is probable he then told all that he has ever told concerning me: and it is not likely, that the matter would have been let lye asleep all this while, if he had said any thing to my Prejudice. I confess I have been long acquainted with him, I look upon him as a man of Honour; and I reckon my self so safe in his Honour, and in my own Innocence, that I do very freely release him from all the Obligation of Friendship and Confidence, and with that he may declare every thing that has past between us: for then I am sure he will do me the right to own, that as oft as we talk of some things that were complained of in *Scotland*, I took occasion to repeat my Opinion of the Duty of Subjects to submit and bear all the ill Administrations that might be in the Government, but never to rise in Arms upon that Account. The next Witness is his Son, whom I never saw but once or twice, and with whom I never entered into any discourse, but what became a man of my Profession to so young a person, exhorting him to the Duties of a Christian. The next two are Mr. *West* and Mr. *Burn*, whose faces I do not know. After them come Mr. *Carstairs* and Mr. *Baird*, whose faces I know not neither; it seems these are the Witnesses to be led against me for the Article relating to the *Netherlands*; but, as I am wholly a Stranger to Mr. *Carstairs*, so I do not so much as know if there be such a person in being as *Robert Baird*, Merchant in *Holland*. And for the last, Mr. *Baxter*, I have had no Correspondence at all with him these two and Twenty Years. Unless it was that once or twice I have met him by accident in a Visit in a third place, and that once about six Years ago I went to discourse with him concerning a matter of History in which we differed; but as all our Conversation at that time was in the presence of some Witnesses, so it was not at all relating to matters of State.

And now I have gone over all the Matter that is laid against me in this Citation, and have made such Reflections both on the Facts that are alleged, and the Witnesses that are named, as will I hope satisfy even my Enemies themselves, of the Falshood and Injustice of these Informations. So that I presume so far on His Majesty's Justice, as to expect that all the Indignation which is kindled against me, will be turned upon my false Accusers.

To all this I will add one thing further for my Justification, tho' I am fully satisfied it is that which I am not obliged to do, and which if I were in other Circumstances I would not do myself; as I would advise no other man to do it. For it is a part of that Right that every man has to preserve himself by all lawful ways, that he do not accuse himself, and by consequence, that he do not purge himself by Curs of matters objected to him: and I do not so well approve of the Courts of Inquisition, as to give countenance to a practice which was first set on foot by them, of requiring Men to answer upon Oath to matters objected to them. If I were not a Church-man I would not do this which I am about to do; as I declare I will never do it again, let my Enemies lay to my charge what they please. But the regard I have to this Function to which I am dedicated, makes me now once for all, offer this solemn purgation of my self. I attest the Great God, the searcher of all things, and the Judge of all men, that all the matters of Fact laid to my Charge in this Citation, are utterly Groundless, and absolutely false. This I am ready to confirm with my Corporal Oath, and to receive the Sacrament upon it.

And now I hope I have said enough to satisfy His Majesty concerning my Innocence, so that I am confident he will not only discharge all further proceedings against me, upon this Accusation, but that he will express his Royal Displeasure against my False Accusers. But if the power of my Enemies, and their credit with His Majesty is still so great, that this matter shall be carried further, and that advantage shall be taken from my not appearing in *Scotland*, to proceed to a Sentence against me, which some brutal men now in the *Hague* are threatening before hand, that they will execute it: I then make my most humble

ble Appeal to the Great God, the King of Kings, who knows my Innocence, and to whom my Blood will cry for vengeance, against all that may be any way concerned in the shedding of it. He will at the Great Day judge all men righteously,

without respect of Persons; It isto him I fly, who I am sure will hear me. Judge me O God, according to the Integrity that is in me.  
At the Hague,  
May, 17. 1687.

Gilbert Burnet.

## My Second Letter to the Earl of Middleton.

May it please your Lordship,

**T**HE Copy of the Citation against me, has been sent me out of Scotland, since I took the liberty to write last to your Lordship, this puts me on a second Address to you, for conveying the inclosed Answer, which I most humbly lay down at His Majesties Feet. I am confident that the falshood of the matters objected to me, will appear so evident to His Majesty, as well as to all the World besides, that He will not only order the proceedings to be quite discharged, but that he will also order some reparation to be made to me, for so publick a blemish, as even a Citation for so high a Crime amounts to. I confess the many hard things that have been of late cast on me, and in particular to Young and Old, and Foreigners as well as Englishmen, that have been coming into these parts, make me see that my Enemies have possessed his Majesty with thoughts of me, that I must crave leave with all Humility to say, that they are as undeserving as hard. What have I either done or said, to draw on me so heavy and so long a continued Displeasure? but my comfort lyes in the Witness that I have within me, of my own Innocence: so that I dare appeal to God, as I do now to his Vicegerent.

Since this matter is now become so publick, and that my Name is now so generally known; I must not be wanting to my own Innocence; especially when not only my Life and Reputation are struck at, but the Religion that I profess is wounded through my sides: therefore till I have put in order my Memoirs for a larger Work, I find it in some sort necessary to print the Citation, together with this Answer: but I had

much rather have all this prevented, by an effect of His Majesties Justice, in ordering an end to be put to this Accusation, and that by some Act that may be as publick as the Citation it self was, which may bear His Majesties being satisfied with my Innocence, as to these matters; but if I have still as Melancholy an Answer to this, as I have had to all the former Applications I have made, I must maintain my Innocence the best way I can, in which I will never forget that vast Duty that I owe his Majesty, whatsoever I may meet with in my own particular.

If there is any thing either in the inclosed Paper, or in this Letter, that seems a little too vehement, I hope the provocation that I have met with will be likewise considered; for while my Life and Reputation are struck at, and whilst some here are threatening so high, a man must be forgiven to shew that he is not quite insensible; and tho my Duty to the King is proof against all that can ever be done to provoke me, yet I must be suffered to treat the Instruments and Proccurers of my Disgrace, who are contriving my Destruction, with the plainness that such Practices draw from me.

I will delay Printing any thing for a Fortnight, till I see whether your Lordship is like to receive any Orders from His Majesty relating to him, who is,

May it please your Lordship,  
Your Lordships, &c.

Hague, May 17.  
Old style, 1687.

My

## My Third Letter to the Earl of Middlethoune.

May it please your Lordship,

I Venture once more to renew my Addresses to your Lordship, before I Print the Paper that I sent you by my last of the Seventeenth of May, together with the two Letters that I writ you: for I find it necessary to add this, and that it go with the rest to the Press.

I am told, that great Advantages have been taken upon an Expression in my First Letter, in which I writ, That by my Naturalization during my stay here, My Allegiance was translated from His Majesty to the Sovereignty of this Province; as if this alone was Crime enough; and I hear, that some who have been of the Profession of the Law, are of this mind. I indeed thought that none who had ever pretended to Study Law, or the general Notions of Intercourse among Nations, could mistake in so clear a Point. I caution'd my words so, as to shew that I considered this Translation of my Allegiance only as a temporary thing during my stay here. And can any man be so ignorant as to doubt of this? Allegiance and Protection are things by their nature reciprocal: since then Naturalization gives a Legal Protection, there must be a return of Allegiance due upon it. I do not deny the Root of Natural Allegiance remains, but it is certainly under a suspension, while the Naturalized Person enjoys the Protection of the Prince or State that has so receiv'd him: I know what a Crime it had been if I had become Naturalized to any State in War with the King; but when it was to a State that is in Alliance with him, and when it was upon so just a ground as my being to be Married and Settled in this State, as it could be no Crime in me to desire it, so I having obtained it, am not a little amazed, to hear that any are so little conversant in the Law of Nations, as to take Exception at my words. Our Saviour has said, That a man cannot serve two Masters: and the Nature of things say, that a man cannot be at the same time under two Allegiances. His Majesty by Naturalizing the Earl of Feversham, and many others of the

French Nation, knows well what a right this gives him to their Allegiance, which no doubt he as well as many others have sworn, and this is a translating their Allegiance with a Witness: That Lord was who have commanded the Troops that were to be sent into Flanders in 1678. against his Natural Prince; and yet though the Laws of France are high enough upon the Points of Sovereignty, it was never so much as pretended that this was a Crime. And it is so much the Interest of all Princes to assure themselves of those whom they receive into their protection by Naturalizing them (since without that they should give protection to so many Spies and Agents for another Prince) that if I had not very good grounds to assure me, that some have pretended to make a Crime out of my Words, I could not easily believe it.

My Lord,

This is the last Trouble that I will give your Lordship upon this Subject; for it being now a Month since I made my first address to you, I must conclude, That it is resolved to carry this matter to all Extremities; and Mr. D'Albiville's Instances against me, and the Threatnings of some of his Countrymen, make me conclude, that all my most humble Addresses to His Majesty are like to have no other effect but this, that I have done my Duty in them: so that it seems I am now judged in Scotland. I am sorry for it, because this will engage me in a defence of myself, I mean, a justification of my own Innocence, which I go to much against my heart; but God and Man see that I am forced to it: and no Threatnings of any here will frighten me; for I will do that which I think fit for me to do to day, though I were sure to be assassinated for it to morrow; but to the last moment of my Life I will pay all Duty and Fidelity to His Majesty.

My Lord,

I am with a profound Respect,  
Your Lordships, &c.

Hague, June 6.

Old Style. 1687.

## ADVERTISEMENT.

When I had resolved on the Printing these Papers, and was waiting till the day should come to which I was Cited, I received a new Advertisement, that the first Citation was set fall, and that I was Cited of new to the 15th of August, to answer to the Crimes of

High Treason, upon the account of Two Heads in my First Letter to the Earl of Middlethoune: The one is, That I say, that by my Naturalization I am loosed from my Allegiance to His Majesty; and the other is, That I threaten His Majesty with the Printing and Discovering of Secrets that have been long

*long bid.* If after what I have hitherto met with, there were room left for new Surprises, this would have been a very great one. Those who have advised the King to this way of proceeding against me, shew that they consider very little the Reputation of His Majesties Justice; and so I be but sacrificed, they do not care how much the King's Honour suffers in it: For First, after a Citation of High Treason, which has made so much Noise, that is let fall: Which is plainly to confess, that there is no Truth in all those matters that were laid to my Charge; and then, where is the Justice of this way of proceeding, to summon a man to appear upon the pretence of Crimes, of which they know him to be Innocent? But this new matter is of such a nature, that it is not easie for me to find words soft enough to speak of it with the decency that becomes me.

This is now more the Cause of the *States of Holland and West-Freeland*, than it is mine. It is indeed the Cause of all the Sovereigns in the World, and so it is His Majesties own Cause, who has so often call'd the Naturalized *French* His Subjects, and by Consequence they owe him an Allegiance; and so here must be at least a Temporary Translation of their Allegiance made to him from their Natural Prince. And either this must be the same as to those who are Naturalized by the States here, or they are not a Sovereign State, and by Consequence this Cause is theirs, and not mine; since the Crime of which I am now accused is the acknowledging my self to have become their Subject during my stay here, upon their having granted me the Benefit and Protection of Naturalization; so that either His Majesty was much mistaken in calling the *French* that are Naturalized, His Subjects; or it can be no Crime in me to have owned my self to have become a Temporary Subject to the States.

And if those who have studied the *Roman Law* will reflect a little on the Effects that belonged to the (*Jus Civitatis*) or the Rights that followed on the being made a *Roman Citizen*, which are the same in all Sovereign States; and that Naturalization is with regard to a Prince or State, that which Adoprtion was by the *Roman Law* with regard to Private Families, they will see that my Enemies do not reflect enough on the Principles of Law when they pretend to make me a Criminal upon such an account. If I had been charged for having desired to be Naturalized, I confess there had been some more Colour for it: but

since it is now a received Practice over all Europe for the Subjects of one State to procure their being Naturalized in another; it is unaccountable how any can call in question that tie of Allegiance that he who is Naturalized owes to his New Masters. Nor have my Enemies considered how much this way of proceeding against me must sink the Credit of His Majesties Naturalizing Strangers; for how can they expect a constant Protection from him, if it is made apparent that the King does not think he has a right to their Allegiance? and into what a consternation must it throw them when they find by my Case, that the King looks upon them as so many Traitors, for becoming his Subjects, and for wearing Allegiance to him? for that Oath is sworn in terms that are plain and full, and that have not the qualification that I put in my words of during my stay here, so that they are much more Criminal than it can be pretended that I am.

The other Article is no less injurious to His Majesty, since they would make a Crime out of my words, that mention my Fear that he may be displeased at some things that may be in the apology that I will be obliged to make for my self, to the Writing and Printing of which, a sentence against me will drive me. If these men who have advised this, had the regard to His Majesty which they owe him, they would not have presumed to infer, that it was a Threatning of His Majesty, when I say, that I must justify my self; or that any History of past Transactions can be a want of Duty to him, this Consequence of theirs intimates, that his Life, or the late King his Brother's, cannot bear a True History, otherwise where is the Threatning? but how great a Crime this is, will, I hope, appear to His Majesty, when he has the leisure to reflect upon it; yet there may be many particulars that I must necessarily bring in, in the History that I am writing, which have such a connection with what relates to my self, that I cannot pass them by, which yet if it could be avoided, may not be fit for publick view. Now if my Enemies fancy, that it is a Crime for me to justify my self, because they have possessed His Majesty against me, I could answer this with some famed sayings of Tacitus, that would disturb 'em a little; and if in an humble Groan that I make before His Majesty, I mention this as a consideration that may be of some weight with him, they who can turn this Express'n of my Duty and Respect into a Crime, and are successful in the attempt, have a Talent for which I do not envy them, though I my self come to feel the weight of it. Hague, Jun. 27. Old Style. 1687. G. Burnet.

[ 1 ]

AN

# APOLOGY

FOR THE

## Church of England,

With relation to the Spirit of

## PERSECUTION:

For which She is Accused.

I. **O**NE should think, that the Behaviour of the *English Clergy* for some years past, and the present Circumstances in which they are, should set them beyond *Slander*, and by consequence above *Apologies*; yet since the *malice* of her *Enemies* work against her with so much *spight*, and since there is no *insinuation* that carries so much *Malice* in it, and that seems to have such colours of *Truth* on it, as this of their having set on a severe *Persecution* against the *Dissenters*, of being still sour'd with that *Leven*, and of carrying the same implacable *hatred* to them, which the present *Reputation* that they have gained, may put them in a further capacity of *executing*, if another *revolution* of *Affairs* should again give them *Authority* to set about it; it seems necessary to *examine* it, and that the rather, because some *aggravate* this so far, as if nothing were now to be so much dreaded as the *Church of England's* getting out of her present *distress*.

II. If these *Imputations* were charged on us

only by those of the *Church of Rome*, we should not much wonder at it, for who it argues a good degree of *Confidence*, for any of that *Communion* to declaim against the *Severities* that have been put in *practice* among us, since their *little Finger* must be heavier than ever our *Limbs* were; and to whose *Scorpions* our *Rods* ought not to be compared; yet after all, we are so much accustomed to their *Methods*, that nothing from them can *surprise* us. To hear *Papists* declare against *Persecution*, and *Jesuits* cry up *Liberty* of *Conscience*, are, we confess, unusual things; yet there are some degrees of *flame*, over which when people are once passed, all things become so familiar to them, that they can no more be put out of countenance. But it seems very strange to us, that *some*, who if they are to be believed, are strict to the severest *Forms* and *Sub-divisions* of the *Reformed Religion*, and that who some years ago were jealous of the smallest steps that the *Court* made; when the danger was more remote; and who cried out *Papery* and *Persecution*, when the Design was so

A

mask



mask that some well-meaning men could not miss being deceived by the Promises that were made, and the Disguises that were put on; that, I say, those very persons who were formerly so distrustful, should now when the Mask is laid off, and the design is avowed; of a sudden grow to be so believing, as to throw off all distrust, and be so gull'd as to betray all; and expose us to the Rage of those who must needs give some good words, till they have gone the Round, and tried how effectually they can divide and deceive us, that so they may destroy us the more easily; this is indeed somewhat extraordinary. They are not so ignorant as not to know, that Popery cannot change its nature, and that Cruelty and Breach of Faith to Hereticks, are as necessary parts of that Religion, as Transubstantiation and the Pope's Supremacy are. If Papists were not Fools, they must give good Words and fair Promises, till by these they have so far deluded the poor credulous Hereticks, that they may put themselves in a posture to execute the Decrees of their Church against them: and tho we accuse that Religion as guilty both of Cruelty and Treachery, yet we do not think 'em Fools: so till their Party is stronger than God be thanked it is at present, they can take no other method than that they take. The Church of England: was the Word among them some years ago, Liberty of Conscience is the Word at present; and we have all possible reason to assure us, that the promises for maintaining the one, will be as Religiously kept as we see those are which are lately made with so great profusion of Protections, and shews of friendship for the supporting of the other.

III. It were great Injustice to charge all the Dissenters with the Impertinences that have appeared in many Addresses of late, or to take one measure of them, from the Impudent strains of an *Alfop* or a *Care*, or from the more important and now more visible steps that some among them, of a higher form, are every day making; and yet after all this, it cannot be denied but the several Bodies of the Dissenters have behaved themselves of late like men that understand too well the true Interest of the Pro-

testant Religion, and of the English Government, to sacrifice the whole and themselves in Conclusion to their private resentments: I hope the same Justice will be allowed me in stating the matter relating to the so much decried Persecution, set on by the Church of England, and that I may be suffered to distinguish the heats of some angry and deluded men, from the Doctrine of the Church, and the practices that have been authorized in it; that so I may shew, that there is no reason to infer from past Errors, that we are incurable; or that new Opportunities inviting us again into the same severities, are like to prevail over us to commit the same follies over again. I will first state what is past, with the sincerity that becomes one that would not lie for God: that is, not afraid nor ashamed to confess faults, that will neither aggravate nor extenuate them beyond what is just, and that yet will avoid the saying any thing that may give any cause of offence to any Party in the Nation.

IV. I am sorry that I must confess, that all the Parties among us, have shewed, that as their turn came to be uppermost, they have forgot the same Principles of Moderation and Liberty which they all claimed when they were oppressed. If it should shew too much ill nature to examine what the Presbytery did in Scotland, when the Covenant was in Dominion, or what the Independants have done in New-England, why may not I claim the same privilege with relation to the Church of England, if Severities have been committed by Her while she bore Rule? Yet it were as easie as it would be invidious to shew, that both Presbyterians and Independents have carried the principle of Rigour in the point of Conscience much higher, and have acted more implacably upon it than ever the Church of England has done, even in its angriest fits; so that none of them can much reproach another for their Excesses in those matters. And as of all the Religions in the World the Church of Rome the most persecuting, and the most bound by her Principles to be unalterably Cruel; so the Church of England is the least persecuting in her principles, and the least obliged to repeat any errors to which

which the intrigues of *Courts* or the *passions* incident to all *parties* may have engaged her, of any National Church in *Europe*. It cannot be said to be any part of our *Doctrine*, when we came out of one of the blackest persecutions that is in *History*, I mean *Quinrys*, we shewed how little we retained of the Cruelty of that Church, which had provoked us so severely; when not only no *Enquiries* were made into the illegal acts of Fury that were committed in that persecuting Reign, but even the Persecutors themselves lived among us at ease and in peace; and no Penal Law was made except against publick exercise of that Religion, till a great many *Rebellions* and *Treasons* extorted them from us for our own preservation. This is an Instance of the Clemency of our Church, that perhaps cannot be matched in *History*: and why should it not be supposed, that if God should again put us in the state in which we were of late, that we should rather imitate so Noble a pattern, than return to those mistakes of which we are now ashamed?

V. It is to be considered, that upon the late King's Restoration, the remembrance of the former War, the ill Usage that our Clergy had met with in their Sequestrations, the angry resentments of the Cavalier Party, who were ruined by the War, the Interest of the Court to have all those principles condemned, that had occasioned it, the heat that all parties that have been ill used are apt to fall into upon a revolution; but above all, the practices of those who have still blown the Coals, and set us one against another, that so they might not only have a divided force to deal with, but might by turns make the Divisions among us serve their Ends: all these, I say, concurred to make us lose the happy opportunity that was offer'd in the Year 1660. to have healed all our Divisions, and to have triumphed over all the Dissenters; not by ruining them, but by overcoming them with a Spirit of Love and Gentleness; which is the only Victory that a generous Christian temper can desire. In short, unhappy Councils were followed, and several Laws were made. But after all, it was the Court-party that carried it for

rougher methods: some considerable Accidents, not necessary to be here mentioned, as they stopped the mouths of some that had formed a wiser Project, so they gave a fatal Advantage to angry and crafty men, that to our misfortune, had too great a stroke in the conduct of our Affairs at that time. This Spirit of Severity was heightened by the practices of the Papists, who engaged the late King in December 1662. to give a Declaration for Liberty of Conscience. Those who knew the secret of his Religion, as they saw that it aimed at the introduction to Popery, so they thought there was no way so effectual, for the keeping out of Popery, as the maintaining the Uniformity, and the suppressing of all designs for a Toleration. But while those who managed this, used a due reserve, in not discovering the secret motive that led them to it, and others flew into severity, as the principle in vogue: and thus all the slacknings of the rigour of the Laws, during the first Dutch War, that were set on upon the pretence of quieting the Nation, and of encouraging Trade, were resisted by the Instruments of an honest Minister of State, who knew as well then, as we do now, what lay still at bottom, when Liberty of Conscience was pretended.

VI. Upon that Ministers Disgrace, some that saw but the half of the Secret, perceiving in the Court a great inclination to Toleration, and being willing to take measures quite different from those of the former Ministry, they entered into a Treaty for a Comprehension of some Dissenters, and the Toleration of others, and some Bishops and Clergy-men, that were inferiour to none of the Age in which they lived, for true Worth and a right Judgment of things, engaged so far, and with so much success into this project, that the matter seemed done, all things being concerted among some of the most considerable men of the different Parties. But the dislike of that Ministry, and the Jealousie of the ill designs of the Court, gave so strong a prejudice against this, that the proposition could not be so much as hearkned unto by the House of

**Commons:** and then it appeared how much the whole *Papish Party* was alarm'd at the Project. It is well known with how much Detestation they speak of it to this day: tho we are now so fully satisfied of their Intentions to destroy us, that the zeal which they pretended for us, in opposing that design, can no more pass upon us.

VII. At last, in the Year 1672, the design for *Papery* discouraging it self, the end that the *Court* had in favouring a *Toleration*, became more visible: and when the *Parliament* met, that condemn'd the *Declaration for Liberty of Conscience*, the Members of the *House of Commons*, that either were *Dissenters*, or that favoured them, behaving themselves so worthily in concurring with the *Church of England*, for stifling that *Toleration*, choosing rather to lose the benefit of it, than to open a breach at which *Papery* should come in, that many of the Members that were for the *Church of England*, promised to procure them a bill of *Ease for Protestant Dissenters*. But the *Session* was not long enough for bringing that to perfection; and all the *Sessions* of that *Parliament* after that, were spent in such a continual struggle between the *Court* and *Country Party*, that there was never room given for calm and wise Consultations. Yet tho the *Party* of the *Church of England* did not perform what had been promised by some Leading Men to the *Dissenters*, there was little or nothing done against them, after that, till the Year, 1681. So that for about nine years together; they had their Meetings almost as publicly and as regularly as the *Church of England* had their Churches, and in all that time, whatsoever particular hardships any of them might have met with in some corners of *England*, it cannot be denied, but they had the free Exercise of their Religion, at least in most parts.

VIII. In the Year 1678. things began to change their Face; it is known, that upon the breaking out of the *Papish Plot*, the *Clergy* did Universally express a great desire for coming to some temper in the points of Conformity: all sorts and ranks of the

*Clergy* seemed to be so well disposed towards it, that if he had met with a suitable entertainment, matters might have probably have been in a greater measure composed. But the Jealousies that those who managed the civil concerns of the Nation in the *House of Commons*, took off all that was done at *Court*, or propposed by it, occasioned a fatal breach in our publick Councils; in which division the *Clergy* by their Principles, and Interests, and their Disposition to believe well of the *Court* were determined to be of the *Kings side*. They thought it was a sin to mistrust the late *Kings Word*, who assured them of his Steadiness to the Protestant Religion so often, that they firmly depended on it: and his present Majesty gave them so many Assurances of his Maintaining still the *Church of England*, that they believed him likewise: And so thought that the Exclusion of him from the Crown, was a degree of rigour to which they in Conscience could not consent. Upon which they were generally cryed out on, as the Betrayers of the Nation, and of the Protestant Religion: Those who demanded the Exclusion and some other securities, to which the Bishops would not consent in *Parliament*, looked on them as the chief hindrance that was in their way; and the License of the Press at that time was such, that many Libels and some severe Discourses were published against them. Nor can it be denied, that many Church-men, who understood not the Principles of Humane Society, and the rules of our Government, so well as other points of Divinity, writ several Treatises concerning the measures of Submission, that were then as much censured, as their performances since against *Papery* have been deserved admired. All this gave such a Jealousie of them to the Nation, that it must be confessed, that the Spirit which was then in Fermentation, went very high against the *Church of England*, as a Confederare, at least to *Papery* and Tyranny. Nor were several of the Nonconformists wanting to inflame this dislike; all secret propositions for accommodating our differences were so coldly entertained, that they were scarce hearkned unto. The Propositions which

\*which an Eminent Divine made even in his *Books writ against Separation*, shewed that while we maintained the *War* in the way of dispute, yet we were still willing to *Treat*: for that *Great Man* made not those advances towards them without consulting with his *Superiours*. Yet we were then fatally given up to a *Spirit of Dissention*: and tho the Parliament in 1680. entred upon a project for healing our differences, in which great steps were made to the removing all the occasions of our *Contentions*; the *Leaders of the Dissenters*, to the amazement of all persons, made no account of this: and even seemed uneasy at it, at which the *Earl of Nottingham*, and *Sir Thomas Clarges*, that set on that *Bill* with much zeal, can give a more particular account. All these things concurred to make those of the *Church of England* conclude, a little too rashly, that their ruin was resolved on; and then it was no wonder if the *spirit of a Party*, the remembrance of the *last War*, the present prospect of danger, and above all, the great favour that was shewed them at *Court*, threw them fatally into some angry and *Violent Counsels*; self-preservation is very natural: and it is plain, that many of them took that to be the *Case*, so that truly speaking, it was not so much at first a *spirit of Persecution*, as a desire of disabling those who they believed intended to ruin them from effecting their *designs*, that set them on to all those unhappy things that followed. They were animated to all they did by the continued earnestness of the *King and Duke*, and of their *Ministers*. That *Reproach of Justice*, and of the profession of the *Law*, who is now so high, was singled out for no other end, but to be their *Common Hangman over England*; of whom the late *King* gave this true Character, *That he had neither Wit, Law, nor Common Sense*; but that he had the *Impudence of ten Cursed Whores in him*. Another *Buffoon*, was hired to plague the Nation with three or four *Papers* a week, which to the *Reproach of the Age* in which we live, had but too great and too general an effect, for poisoning the *Spirits of the Clergy*. But those who

knew how all this was managed, saw that it was not only set on, but still kept up by the *Court*. If any of the *Clergy* had but preached a word for *moderation*, he had a *Chiding* sent him presently from the *Court*, and he was from that day marked out as a *disaffected person*: and when the *Clergy of London* did very worthily refuse to give *Informations* against their *Parishioners* that had not alwaies conformed, the design having been form'd upon that to bring them into the *Spiritual Courts*, and *Excommunicate* them, and make them lose their right of *Voting*, and so the *Charter of London* might have been delivered up when so many *Citizens* were by such means shut out of the *Common-Council*; we remember well how severely they were *Censured* for this, by some that are now dead, and others that are yet alive. I will not go further into this matter: I will not deny but many of the *Dissenters* were put to great hardships, in many parts of *England*. I cannot deny it, and I am sure I will never justify it. But this I will positively say, having observed it all narrowly, that he must have the brow of a *Justice*, that can cast his wholly on the *Church of England*, and free the *Court* from it. The beginnings and the progress of it came from the *Court*, and from the *Papish Party*: and tho perhaps every one does not know all the secrets of this matter, that others may have found out, yet no man was so ignorant as not to see what was the chief spring of all those irregular motions that some of us made at that time: so upon the whole matter, all that can be made out of this, is, that the passions and infirmities of some of the *Church of England*, being unhappily stirred up by the *Dissenters*, they were fatally conducted by the *Papish Party*, to be the Instruments in doing a great deal of mischief.

IX. It is not to be doubted, but though some weaker men of the *Clergy* may perhaps still retain their little peevish animosities against the *Dissenters*, yet the wiser and more serious heads of that great and *Worthy Body*, do now their *Encour*: they see who drove them

on in it, till they hoped to have ruined them by it. And as they have appeared against *Papery*, with as great a strength of *Learning*, and of firm *Steadiness*, as perhaps can be met with in all *Church-History*; so it cannot be doubted, but their *Reflections* on the dangers into which our *Divisions* have thrown us, have given them truer *Notions* with relation to a *Rigorous Conformity*: and that the just *Detestation* which they have expressed of the *Corruptions* of the *Church of Rome* has led them to consider and abhor one of the worst things in it. I mean, their *Severity* towards *Hereticks*, and the ill use that they see the *Court* has made of their *Zeal* for supporting the *Crown*, to justify the subversion of our *Government* that is now set on from some of their large and unwary *Expressions*, will certainly make them hereafter more cautious in meddling with *Politics*: the *Bishops* have under their hands both disowned that wide extent of the *Prerogative*, to the overturning of the *Law*, and declared their *Disposition* to come to a *Temper* in matters of *Conformity*; and there seems to be no doubt left of the *Sincerity* of their *Intentions* in that matter. Their *Piety* and *Vertue*, and the prospect that they now have of suffering themselves, put us beyond all doubt as to their *Sincerity*, and if ever God in his *Providence* brings us again into a *settled State*, out of the *Storm* into which our *Passions* and *Folly*, as well as the *Treachery* of others has brought us, it cannot be imagined, that the *Bishops* will go off from those *Moderate Resolutions*, which they have now *Declared*, and they continuing firm to them, the weak and indiscreet *Passions* of any of the inferior *Clergy*, must needs *vanish*, when they are under the conduct of wise and worthy *Leaders*. And I will boldly say this, that if the *Church of England*, after she has got out of this *Storm*, will return to hearken to the peevishness of some *Sore Men*, she will be abandoned both of God and *Man*, and will set both *Heaven* and *Earth* against her. The *Nation* sees too *Visibly*, how dear the *Dispute* about *Conformity* has cost us, to stand any more

upon such *Pointillies*: and *THOSE* in whom our *Deliverance* is wrapped up, understand this matter too well, and judge too right of it, to imagin that ever they will be *Priest-ridden* in this point. So that all considerations concur to make us conclude, that there is no danger of our splitting a second time upon the same *Rock*: And indeed, if any *Argument* were wanting to compleat the certainty of this point, the *Wise* and *Generous* behaviour of the main body of the *Dissenters*, in this present *Juncture*, has given them so just a *Title* to our *Friendship*, that we must resolve to set all the *World* against us, if we can ever forget it; and if we do not make them all the returns of *Ease* and *Favour*, when it is in our *Power* to do it.

X. It is to be hoped, that when this is laid together, it will have that effect on all *Sober* and *True Protestants*, as to make them forget the little *angry Heats* that have been among us, and even to forget the *Injuries* that have been done us: All that we do now one against *Another*, is to shorten the work of our *Enemies*, by destroying one *Another*, which must in *Conclusion* turn to all our *Ruin*. It is a *Madman's Revenge* to destroy our *Friends* that we may do a pleasure to our *Enemies*, upon their giving us some good *Words*; and if the *Dissenters* can trust to *Papists*, after the usage that the *Church of England* has met with at their hands, all the comfort that they promise themselves, when *Papery* begins to act its *Natural* part amongst us, and to set *Smithfield* again in a *Fire*, is that which befel some *Quakers* at *Rome*, who were first put into the *Inquisition*, but were afterwards removed to *Bedlam*; so that those false *Brethren* among the *Dissenters*, who deceive them at present, are really no *Changelings*, but know well what they are doing; yet those who can be cheated by them, may well claim the *priviledg* of a *Bedlam*, when their *Folly* has left them no other retreat.

XI. I will not digress too far from my present purpose; nor enter into a *Discussion* of the *Dispensing Power*, which was so effectually overthrown the other day at the  
Kings



*Kings-Bench-Bar*, that I am sure all the *Authority* of the *Bench* it self is no more able to *Support* it: Yet some late *Papers* in favour of it, give me occasion to add a little relating to that point. It is true, the *Affessor* of the *Dispensing Power*, who has lately appeared with *Allowance*, pretends that it can only be applied to the *Test* for publick Employments; for he owns, that the *Test* for both *Houses* of *Parliament* is left entire, as not within the compass of this extent of the *Prerogative*; but another *Writer*, whom by his sense we must conclude an *Irishman*, by his brow a *Jesuit*, and by the bare designation in the Title page, of *James Stewarts Letter*, a *Quaker*, goes a strain higher, and thinks the *King* is so absolutely the *Sovereign*, as to the *Legislative* part of our *Government*, that he may dissolve even the *Parliament Test*: So humbly has he leapt from being a *Secretary* to a *Rebellion*, to be an *Advocate* for *Tyranny*. He fancies, that because no *Parliament* can bind up another, therefore they cannot limit the *Preliminaries* to a subsequent *Parliament*. But upon what is it then, that *Counties* have but two *Knights*, and *Burroughs* as many? that men below such a value have no *Vote*, that *Sheriffs* only receive *Writs* and return *Elections*; besides many more necessary requisites to the making a legal *Parliament*. In short, if *Laws* do not regulate the *Election* and *Constitution* of a *Parliament*, all these things may be overthrown, and the *King* may cast the whole *Government* in a new *Mould*, as well as dissolve the *Obligation* that is on the *Members* of *Parliament* for taking the *Test*. It is true, that as soon as a *Parliament* is legally met and constituted, it is tied by no *Laws*, so far as not to repeal them; but the *Preliminaries* to a *Parliament* are still sacred, as long as the *Law* stands that settled them; for the *Members* are still in the quality of ordinary *Subjects*, and not entered upon their share in the *Legislative Power*, till they are constituted in a *Parliament* legally chosen and Lawfully assembled, that is, having observed all the *Requisites* of the *Law*. But I leave that impatient *Letter* to return to the most *Apology* that

has been yet writ for the *Dispensing Power*. It yields that the *King* cannot abrogate *Laws*, and pretends only that he can dispense with them; and the distinction it puts between *Abrogation* and *Dispensation*, is, that the one is a total repeal of the *Law*, and that the other is only a slackning of its obligatory force, with *Relation* to a particular *Man*, or to any body of *Men*; so that according to him, a simple *Abrogation* or a total *Repeal*, is beyond the compass of the *Prerogative*, I desire then that this *Doctrine* may be applied to the following words of the *Declaration*; from which the *Reader* may infer whether these do import a Simple *Abrogation*, or not, and by consequence, if the *Declaration* is not illegal, We do hereby further Declare, That it is our *Royal Will and Pleasure*, that the Oaths commonly called the Oaths of *Supremacy and Allegiance*, and also the several *Tests and Declarations*—shall not at any time hereafter, be required to be taken, Declared or subscribed by any person or persons whatsoever, who is or shall be Employed in any Office or Place of Trust, either Civil or Military, under us or in our *Government*. This is plain *English*, and needs no *Commentary*. That *Paper* offers likewise an *Expedient* for securing *Liberty of Conscience*, by which it will be set beyond even the *Dispensing Power*; and that is, that by *Act* of *Parliament* all *Persecution* may be declared to be a thing evil in its self, and then the *Prerogative* cannot reach it. But unless this *Author* fancies, that a *Parliament* is that which those of the *Church of Rome* believe a *General Council* to be, I mean *Infallible*, I do not see that such an *Act* would signify any thing at all, An *Act* of *Parliament* cannot change the nature of things which are fullen, and will not alter, because a hard Word is clapt on them in an *Act* of *Parliament*; nor can that make that which is not *Evil* of it Self, become *Evil* of it Self: for can any *Act* of *Parliament* make the *Clipping of Money*, or the not *Burying* in *Woollen* evil of it self? Such an *Act* were indeed null of it self, and would sink with its own weight, even without the burdens of the *Prerogative* to press it down: and yet

upon such a sandy foundation would these men have us build all our Hopes and our Securities. Another Topick like this, is, that we ought to trust to the Truth of our Religion, and the providence and protection of God, and not to lean so much to *Laws and Tests*. All this were very *pertinent*, if God had not already given us humane Assurances against the Rage of our Enemies, which we are now desired to abandon, that so we may fall an easie and cheap Sacrifice to those who wait for the favourable moment to destroy us: by the same reason they may persuade us to take off all our Doors, or at least all our Locks and Bolts, and to sleep in this exposed condition, trusting to God's Protection: The simile may appear a little too high, tho it is really short of the matter; for we had better trust our selves to all the Thieves and Robbers of the Town, who would be perhaps contented with a part of our Goods, than to those designs are equally against both Soul and Body, and all that is dear to us.

XII. I will only add another Reflexion upon the renewing of the Declaration this year, which has occasioned the present storm upon the Clergy. It is repeated to us that so we may see that the King continues firm to the Promises he made last year. Yet when Men of Honour have once given their Word, they take it ill if

any do not trust to that, but must needs have it repeated to them: in the ordinary commerce of the World, the repeating of promises over and over again, is rather a ground Suspicion than of Confidence, and if we judg of the accomplishment of all the other parts of the Declaration, from that one, which relates to the maintaining of the Church of England, as by Law Established, the proceedings against the Fellows of Magdalen Colledge, gives us no reason to conclude, that this will be like the Laws of the Meads and Persons, which alter not; all the talk of the New Magna Charta cannot lay us asleep, when we see so little regard had to the Old one. As for the security which is offered us in this repeating of the Kings promises, we must crave leave to remember, that the King of France even after he had resolved to break the Edict of Nantes, yet repeated in above an hundred Edicts, that were real and visib'e violations of that Edict, a clause confirmatory of the Edict of Nantes, declaring that he would never Violate it: and in that we may see what an account is to be had of all promises made to Hereticks, in matters of Religion, by any Prince of the Roman Communion, but more particularly by a Prince who has put the conduct of his Conscience in the hands of a Jesuite.

FINIS.

# AN ENQUIRY Into the Measures of SUBMISSION TO THE SUPREAM AUTHORITY:

And of the *Grounds* upon which it may be *Lawful* or necessary  
for *Subjects*, to defend their *Religion*, *Lives* and *Liberties*.

**T**His *Enquiry* cannot be Regularly made, but by taking in the first place, a true and full view of the nature of *Civil Society*, and more particularly of the nature of *Supream Power*, whether it is lodged in one or more persons?

I. It is certain, that the *Law of Nature* has put no difference nor subordination among Men, except it be that of *Children* to *Parents*, or of *Wives* to their *Husbands*; so that with Relation to the *Law of Nature*, all Men are born free; and this *Liberty* must still be supposed entire, unless so far as it is limited by *Contracts*, *Provisions* and *Laws*. For a Man can either bind himself to be a *Servant*, or sell himself to be a *Slave*, by which he becomes in the power of another, only so far as it was provided by the *Contract*: since all that *Liberty* which was not expressly given away, remains still entire: so that the plea for *Liberty* always proves it self, unless it appears that it is given up or limited by any special agreement.

II. It is no less certain, that as the light of nature has planted in all men a natural principle of the love of Life, and of a desire to preserve it; so the common principles of all religion agree

in this, that God having set us in this World, we are bound to preserve that being, which he has given us, by all just and lawful ways. Now this *Duty of Self-preservation*, is exerted in instances of two sorts; the one are, in the resisting of *Violent Aggressors*; the other are the taking of just revenges of those, who have invaded us so secretly, that we could not prevent them, and so *Violently* that we could not resist them: in which cases the principle of self-preservation warrants us, both to recover what is our own, with just damages, and also to put such unjust persons out of a Capacity of doing the like Injuries any more, either to our selves, or to any others. Now in these instances of self-preservation, this difference is to be observed; that the first cannot be limited, by any slow forms, since a pressing danger requires a vigorous repulse; and cannot admit of delays; whereas the second, of taking revenges, or reparations, is not of such haste, but that it may be brought under rules and forms.

III. The true and Original Notion of *Civil Society* and *Government* is, that it is a Compromise made by such a body of Men, by which they resign up the right of demanding

A

repara-

reparations; either in the way of Justice, against one another, or in the way of War, against their Neighbours; to such a single person, or to such a body of Men as they think fit to trust with this. And in the management of this *Civil Society*, great distinction is to be made between the power of making Laws for the Regulating the Conduct of it, and the power of Executing those Laws: The *Supream Authority* must still be supposed to be lodged with those who have the *Legislative Power* reserved to them; but not with those who have only the *Executive*; which is a plain *Trust*, when it is separated from the *Legislative Power*; and all *Trusts*, by their nature import, that those to whom they are given, are accountable, even though it should not be expressly specified in the words of the *Trust* it self.

IV. It cannot be supposed, by the principles of Natural Religion, that God has Authorized any one *Form of Government*, any other way than as the general Rules of Order, and of Justice, oblige all Men not to subvert Constitutions, nor disturb the peace of Mankind, or invade those Rights with which the Law may have vested some persons; for it is certain, that as private Contracts lodge or translate private Rights; so the *Publick Laws* can likewise lodge such Rights, Prerogatives, and Revenues, in those, under whose Protection they put themselves, and in such a manner that they may come to have as good a Title to these, as any private Person can have to his Property: so that it becomes an Act of high Injustice and Violence, to invade these: which is so far a greater sin than any such actions would be, against a private Person, as the publick Peace and Order is preferable to all private Considerations whatsoever. So that in truth, the principles of *Natural Religion*, give those that are in Authority, no power at all, but they do only secure them in the possession of that which is theirs by Law. And as no Considerations of Religion can bind me to pay another more than I indeed owe him, but do only bind me more strictly to pay what I owe; so the Considerations of Religion do indeed bring *Subjects* under stricter Obligations, to pay all due Allegiance

and Submission to their *Princes*, but they do not at all extend that Allegiance further than the Law carries it. And though a Man has no divine right to his property, but has acquired it by humane means, such as succession, or industry, yet he has a security for the enjoyment of it, from a Divine right; so though *Princes* have no immediate warrants from Heaven, either for their Original Titles, or for the extent of them, yet they are secured in the possession of them by the Principles and Rules of *Natural Religion*.

V. It is to be Considered, that as a private person, can bind himself to another Mans service, by different degrees, either as an Ordinary servant for wages, or as one appropriated for a longer time as an Apprentice, or by a total giving himself up to another, as in the case of Slavery: In all which cases the General name of *Master* may be equally-used, yet the degrees of his power, are to be judged by the nature of the Contract; so likewise bodies of Men can give themselves up in different degrees, to the Conduct of others: and therefore though all those may carry the same name of *King*; yet every ones power is to be taken from the measures of that Authority which is lodged in him, and not from any general Speculations founded on some Equivocal terms, such as *King*, *Sovereign*, or *Supream*.

VI. It is certain, that God, as the Creator and Governour of the World, may set up whom he will, to rule over other men: But this declaration of his will, must be made evident by Prophets, or other Extraordinary Men sent of him, who have some manifest proofs of the Divine Authority that is committed to them, on such occasions, and upon such persons declaring the will of God, in favour of any others, that Declaration is to be submitted to, and obeyed. But this pretence of a divine Delegation, can be carried no further than to those who are thus expressly marked out, and is unjustly claimed by those who can prove no such Declaration to have been ever made in favour of them, or their families. Nor does it appear reasonable

reasonable to conclude from their being in possession, that it is the will of God that it should be so; this justifies all Usurpers when they are successful.

VII. The measures of *Power*, and by consequence of *Obedience*, must be taken from the express Law of any State, or body of Men from the Oaths that they swear, or from Immemorial Prescription; and a long Possession, which both give a Title, and in a long tract of time make a bad one become good, since Prescription when it passes the memory of Man, and is not disputed by any other Pretender, gives by the common sense of all Men a just and good Title: so upon the whole matter, the degrees of all Civil Authority, are to be taken either from express Laws, immemorial Customs, or from particular Oaths, which the Subjects swear to their Princes: this being still to be laid down for a Principle; that in all the disputes between *Power* and *Liberty*, *Power* must always be proved, but *Liberty* proves it self; the one being founded only upon positive Law, and the other upon the Law of Nature.

VIII. If from the general Principles of Human Society, and Natural Religion, we carry this matter to be examined by the Scriptures, it is clear that all the passages that are in the *Old Testament*, are not to be made use of in this matter, of neither side. For as the Land of *Canaan*, was given to the *Jews* by an immediate grant from Heaven, so God reserved still this to himself, and to the Declarations that he should make from time to time, ether by his Prophets, or by the Answers that came from the Cloud of Glory that was between the Cherubims, to set up Judges or Kings over them, and to pull them down again as he thought fit. Here was an express Delegation made by God, and therefore all that was done in that Dispensation, either for or against Princes, is not to be made use of in any other State, that is founded on another bottom and Constitution, and all the expressions in the *Old Testament* relating to the *Kings*, since they be-

long to persons that were immediately designed by God, are without any sort of reason applied to those, who can pretend to no such designation, neither for themselves nor for their Ancestors.

IX. As for the *New Testament*, it is plain, that there are no rules given in it, neither for the forms of Government in general, nor for the degrees of any one form in particular, but the general Rules of Justice, Order and Peace, being Established in it upon higher motives, and more binding considerations, than ever they were in any other Religion whatsoever, we are most strictly bound by it, to observe the Constitution in which we are; and it is plain, that the Rules set us in the Gospel, can be carried no further. It is indeed clear from the *New Testament*, that the *Christian Religion* as such, gives us no grounds to defend or propagate it by force. It is a Doctrine of the Cross, and of Faith, and Patience under it: and if by the order of Divine Providence, and of any Constitution of Government, under which we are born, we are brought under sufferings, for our professing of it, we may indeed retire and fly out of any such Country, if we can; but if that is denied us, we must then according to this Religion, submit to those sufferings under which we may be brought, considering that God will be glorified by us in so doing, and that he will both support us under our sufferings, and gloriously reward us for them.

This was the state of the *Christian Religion*, during the three first Centuries, under Heathen Emperors, and a Constitution in which *Paganism* was Established by Law. But if by the Laws of any Government, the *Christian Religion*, or any form of it, is become a part of the Subjects Property, it then falls under another consideration, not as it is a Religion, but as it is become one of the principal rights of the Subjects, to believe and profess it: and then we must judge of the Invasions made on that, as we do of any other Invasion, that is made on our other Right.

X. All the passages in the *New Testament* that



that relate to *Civil Government*, are to be Expounded as they were truly meant, in opposition to that false Notion of the *Jews*, who believed themselves to be so immediately under the Divine Authority, that they could not become the Subjects of any other Power; particularly of one that was not of their Nation, or of their Religion: therefore they thought they could not be under the *Roman Yoke*, nor bound to pay Tribute to *Cesar*, but judged that they were only subject out of fear, by reason of the force that lay on them, but not for *Conscience sake*: and so in all their dispersion, both at *Rome* and elsewhere, they thought they were *Gods Freeman*, and made use of this pretended liberty as a cloak of maliciousness. In opposition to all which, since in a course of many years, they had asked the protection of the *Roman Yoke*, and were come under their Authority, our Saviour ordered them to continue in that, by his saying *Render to Cesar that which is Cessars*; and both *St. Paul* in his Epistle to the *Romans*, and *St. Peter* in his General Epistle, have very positively condemned that pernicious maxim; but without any formal Declarations made of the Rules or Measures of Government. And since both the *People* and *Senate* of *Rome* had acknowledged the power that *Augustus* had indeed violently Usurped, it became Legal when it was thus submitted to, and confirmed both by the *Senate* and *People*; and it was established in his Family by a long Prescription, when those Epistles were writ: so that upon the whole matter, all that is in the *New Testament* upon this subject, imports no more, but that all *Christians* are bound to acquiesce in the Government, and submit to it, according to the Constitution that is settled by Law.

XI. We are then at last brought to the Constitution of our *English Government*: so that no General Considerations from speculations about *Sovereign Power*, nor from any passages either of the *Old* and *New Testament*, ought to determine us in this matter; which must be fixed from the *Laws* and *Regulations* that have been made among

us. It is then certain, that with Relation to the *Executive* part of the Government, the Law has lodged that singly in the *King*; so that the whole Administration of it is in him: but the *Legislative Power* is lodged between the *King* and the *Two Houses of Parliament*; so that the power of making and repealing *Laws*, is not singly in the *King*, but only so far as the *Two Houses* concur with him. It is also clear, that the *King* has such a determined extent of Prerogative, beyond which he has no Authority: as for instance, if he levies money of his people, without a Law impowring him to it, he goes beyond the limits of his Power, and asks that to which he has no right: so that there lies no obligation on the Subject to grant it: and if any in his Name use Violence for the obtaining it, they are to be looked on as so many Robbers, that invade our Property, and they being Violent aggressours, the Principle of self-preservation seems here to take place, and to warrant as Violent a resistance.

XII. There is nothing more evident, than that *England* is a free Nation, that has its *Liberties* and *Properties* reserved to it, by many positive and expresse *Laws*: if then we have a right to our *Property*, we must likewise be supposed to have a right to preserve it: for those Rights are by the Law secured against the Invasions of the Prerogative, and by consequence we must have a right to preserve them against those Invasions. It is also evidently declared by our *Law*, that all *Orders* and *Warrants*, that are issued out in opposition to them, are null of themselves; and by consequence, any that pretend to have Commissions from the *King*, for those ends, are to be considered as if they had none at all: since those Commissions being void of themselves, are indeed no Commissions in the Construction of the *Law*; and therefore those who act in virtue of them, are still to be considered, as private persons who come to invade and disturb us. It is also to be observed, that there are some Points that are justly disputable and doubtful, and others that are so manifest, that it is plain that any

any Objections that can be made to them, are rather forced pretences, than so much as plausible colours. It is true, if the Case is doubtful, the Interest of the Publick Peace and Order, ought to carry it; but the Case is quite different when the Invasions that are made upon *Liberty and Property*, are plain and visible to all that consider them.

XIII. The main and great difficulty here, is, That tho our Government does indeed assert the *Liberty of the Subject*, yet there are many express *Laws* made, that lodge the *Militia* singly in the King, that make it plainly unlawful upon any pretence whatsoever to take Arms against the King, or any Commissioned by him: And these *Laws* have been put in the form of an *Oath*, which all that have born any Employment either in Church or State have sworn; and therefore those *Laws*, for the assuring our *Liberties*, do indeed bind the Kings Conscience, and may affect his Ministers; yet since it is a Maxim of our Law, that the King can do no wrong, these cannot be carried so far as to justify our taking Arms against him; be the transgressions of Law ever so many and so manifest: And since this has been the constant Doctrine of the Church of England, it will be a very heavy Imputation on us, if it appears, that tho we held those Opinions, as long as the Court and the Crown have favoured us, yet as soon as the Court turns against us, we change our principles.

XIV. Here is the true Difficulty of this whole Matter, and therefore it ought to be exactly considered: First, All general Words, how large soever, are still supposed to have a tacit exception, and reserve in them, if the Matter seems to require it. Children are commanded to obey their Parents in *all things*: Wives are declared by the Scripture, to be subject to their Husbands *in all things*, as the Church is *unto Christ*: And yet how comprehensive soever these words may seem to be, there is still a reserve to be understood in them; and tho by our Form of Marriage, the Parties swear to one another till Death them do part, yet few doubt but that this Bond is dissolved by Adultery, tho it is not named; for odious

things ought not to be suspected, and therefore not named upon such occasions: But when they fall out, they carry still their own force with them. 2. When there seems to be a Contradiction between two Articles in the Constitution, we ought to examin which of the two is the most Evident, and the most Important, and so we ought to fix upon it, and then we must give such an accommodation to that which seems to contradict it, that so we may reconcile those together. Here then are two seeming Contradictions in our Constitution: The one is the *Publick Liberty* of the Nation; the other is the Renouncing of all Resistance, in case that were invaded. It is plain, that our *Liberty* is only a thing that we enjoy at the Kings Discretion, and during his Pleasure, if the other against all Resistance is to be understood according to the utmost extent of the Words. Therefore since the chief Design of our whole Law, and of all the several Rules of our Constitution, is to secure and maintain our *Liberty*, we ought to lay that down for a Conclusion, that it is both the most plain and the most Important of the two: And therefore the other Article against Resistance ought to be so softened, as that it do not destroy this. 3. Since it is by a Law that Resistance is condemned, we ought to understand it in such a sense as that it does not destroy all other Laws: And therefore the intent of this Law, must only relate to the *Executive Power*, which is in the King, and not to the *Legislative*, in which we cannot suppose that our Legislators, who made that Law, intended to give up that, which we plainly see they resolved still to preserve entire, according to the Ancient Constitution. So then, the not resisting the King, can only be applied to the *Executive Power*, that so upon no pretence of ill Administrations in the Execution of the Law, it should be lawful to resist him; but this cannot with any reason be extended to an Invasion of the *Legislative Power*, or to a total Subversion of the Government. For it being plain, that the Law did not design to lodge that Power in the King, it is also plain, that it did not intend to secure him in it, in case he should set about it.

4. The Law mentioning the *King*, or those *Commissionated* by him, shews plainly, that it only detigned to secure the *King* in the Executive Power: for the Word *Commission* necessarily imports this, since if it is not according to Law, it is no *Commission*; and by Consequence, those who act in Vertue of it, are not *Commissionated* by the *King* in the Sense of the Law. The *King* likewise Imports a Prince clothed by Law with the Regal Prerogative; but if he goes to *Subvert* the whole Foundation of the Government, he *Subverts* that by which he himself has his Power, and by consequence he annuls his own Power; and then he ceases to be *King*, having endeavoured to destroy that, upon which his own Authority is founded.

XV. It is acknowledged by the greatest Assertors of Monarchical Power, that in some Cases a *King* may fall from his Power, and in other Cases that he may fall from the Exercise of it. His Deserting his People, his going about to enslave, or sell them to any other, or a furious going about to destroy them, are in the opinion of the most Monarchical Lawyers, such Abuses, that they naturally divest those that are guilty of them, of their whole Authority. *Infancy* or *Phrenzy* do also put them under the Guardianship of others. All the Crowned Heads of *Europe* have, at least secretly, approved of the putting the late *King of Portugal* under a Guardianship, and the keeping him still Prisoner for a few Acts of Rage, that had been fatal to a very few Persons: And even our *Court* gave the first countenance to it, though of all others the late *King* had the most reason to have done it at least last of all; since it justified a younger Brothers supplanting the Elder; yet the Evidence of the thing carried it even against Interest. Therefore if a *King* goes about to subvert the Government, and to overturn the whole Constitution, he by this must be supposed either to fall from his Power, or at least from the Exercise of it, so far as that he ought to be put under Guardians; and according to the Case of *Portugal*, the next *Heir* falls naturally to be the *Guardian*.

XVI. The next thing to be considered, is to see in Fact whether, the Foundations of this Government have been struck at, and whether those Errors, that have been perhaps committed, are only such Maleverfations, as ought to be imputed only to Human Frailty, and to the Ignorance, Inadvertencies, or Passions to which all Princes may be subject, as well as other men. But this will best appear if we consider what are the Fundamental Points of our Government, and the chief Securities that we have for our Liberties.

The Authority of the Law is indeed all in one Word, so that if the *King* pretends to a Power to *Dispense* with Laws, there is nothing left, upon which the Subject can depend; and yet as if *Dispensing Power* were not enough, if Laws are wholly suspended for all time coming, this is plainly a Repealing of them, when likewise the men, in whose hands the Administration of Justice is put by Law, such as *Judges* and *Sheriffs*, are allowed to tread all Laws under foot, even those that Infer an Incapacity on themselves they violate them; this is such a breaking of the whole Constitution, that we can no more have the Administration of Justice, so that it is really a *Dissolution* of the Government; since all Tryals, Sentences, and the Executions of them, are become so many unlawful Acts, that are null and void of themselves.

The next thing in our Constitution, which secures to us our Laws and Liberties, is a free and Lawful Parliament. Now not to mention the breach of the Law of Triennial Parliaments, it being above three years since we had a Session that enacted any Law; Methods have been taken, and are daily a taking, that render this Impossible. Parliaments ought to be chosen with an entire Liberty, and without either Force or Pre engagements: whereas if all men are required beforehand to enter into Engagements how they will Vote if they are chosen themselves, or how they will give their Voices in the Electing of others? This is plainly such a preparation to a Parliament, as would indeed make it no Parliament, but a Cabal, if one were chosen, after all that Corruption of Persons, who had pre-engaged

ingaged themselves; and after the Threatning and Turning out of all persons out of Employments who had refused to do it; and if there are such daily Regulations made in the Towns, that it is plain those who manage them, intend at last to put such a number of men in the *Corporations* as will certainly chuse the persons who are recommended to them. But above all, if there are such a number of *Sheriffs* and *Mayors* made, over *England*, by whom the Elections must be conducted and returned, who are now under an Incapacity by Law, and so are no Legal Officers, and by consequence those Elections that pass under their Authority are null and void: If, I say, it is clear that things are brought to this, then the Government is dissolved; because it is impossible to have a *Free and Legal Parliament* in this state of things. If then both the Authority of the Law, and the Constitution of the *Parliament* are struck at and dissolved, here is a plain Subversion of the whole Government. But if we enter next into the particular branches of the Government, we will find the like Disorder among them all.

The Protestant Religion, and the Church of *England*, make a great Article of our Government, the latter being secured not only of old by *Magna Charta*, but by many special Laws made of late; and there are particular Laws made in King *Charles* the First, and the late King's time, securing them from all Commissions that the King can raise for Judging or Censuring them: if then in opposition to this, a Court so condemned is erected, which proceeds to Judge and Censure the Clergy, and even to dissolve them of their *Freeholds*, without so much as the form of a Trial, though this is the most indispensable Law of all those that secures the Property of *England*; and if the King pretends that he can require the Clergy to publish all his Arbitrary Declarations, and in particular one that strikes at their whole settlement, and has ordered Process to be begun against all that disobey'd this illegal warrant, and has treated so great a number of the *Bishops* as Criminals, only for representing to him the reasons of their not obeying him; if likewise the King is not sa-

tisfied to profess his own Religion openly, tho even that is contrary to Law, but has sent Ambassadors to *Rome*, and received *Nuncios* from thence, which is plainly Treason by Law; if likewise many Popish Churches and Chapels have been publicly opened; if several Colleges of *Jesuits* have been set up in divers parts of the Nation, and one of the Order has been made a Privy Counsellor, and a principal Minister of State; and if *Rapists*, and even those who turn to that Religion, tho declared Traytors by Law, are brought into all the chief Employments, both Military and Civil; then it is plain, That all the Rights of the Church of *England*, and the whole establishment of the Protestant Religion, are struck at, and designed to be overturned; since all these things, as they are notoriously Illegal, so they evidently demonstrate, That the great design of them all, is the rooting out of this pestilent Heresie, in their stile; I mean the Protestant Religion.

In the next place, If in the whole course of Justice, it is visible, that there is a constant practising upon the Judges, that they are turned out upon their varying from the Intentions of the Court, and if men of no Reputation nor Abilities are put in their places; if an Army is kept up in time of peace, and men who withdraw from that Illegal Service are hang'd up as Criminals, without any colour of Law, which by consequence are so many Murders; and if the Soldiery are conniv'd at and encouraged in the most enormous Crimes, that so they may be thereby prepared to commit greater ones, and from single Rapes and Murders proceed to a Rape upon all our Liberties and a Destruction of the Nation: if, I say, all these things are true in Fact, then it is plain, that there is such a Dissolution of the Government made, that there is not any one part of it left sound and entire: and if all these things are done now, it is easie to imagine what may be expected, when Arbitrary power that spares no man, and Popery that spares no Heretick, are finally established: Then we may look for nothing but Gaballes, Tailles, Impositions, Benevolences, and all sorts of Illegal Taxes, as from the other we may expect

of Burnings, Massacres and Inquisitions. what is doing in Scotland we may gather now what is to be expected in England; where if the King has over and over again declared, that he is vested with an *Absolute Power*, to which all are bound to *Obeys without Reserve*, and has upon that annulled almost all the *Acts of Parliament* that passed in *K. James the First's* minority, though they were ratified by himself when he came to be of *Age*, and were confirmed by all the subsequent Kings, not excepting the present. We must then conclude from thence, what is resolved on here in England, and what will be put in execution as soon as it is thought that the Times can bear it. When likewise the whole Settlement of Ireland is shaken, and the Army that was raised, and is maintained by Taxes, that were given for an Army of *English Protestants*, to secure them from a new Massacre by the *Irish Papists*, is now all filled with *Irish Papists*, as well as almost all the other Employments; it is plain, That not only all the *British Protestants* inhabiting that Island, are in daily danger of being butchered a second time, but that the *Crown of England* is in danger of losing that Island, it being now put wholly into the hands and power of the *Native Irish*, who as they formerly offered themselves up sometimes to the Crown of *Spain*, sometimes to the *Pope*, and once to the *Duke of Lorraine*, so they are perhaps at this present treating with another Court for the Sale and Surrender of the Island, and for the Massacre of the *English* in it.

If thus all the several Branches of our Constitution are dissolved, it might be at least expected, that one part should be left entire, and that is the *Regal Dignity*; and yet even that is prostituted, when we see a young Child

put in the reversion of it, and pretended to be the *Prince of Wales*; concerning whose being born of the *Queen*, there appear to be not only no certain proofs, but these are all the presumptions that can possibly be imagined to the contrary. No proofs were ever given either to the *Princes of Denmark*, or to any other *Protestant Ladies*, in whom we ought to repose any Confidence that the *Queen* was ever with Child; that whole matter being managed with so much mysteriousness, that there were violent and publick Suspicions of it before the Birth. But the whole Contrivance of the Birth, the sending away the *Princess of Denmark*, the sudden shortening of the *Reckoning*, the *Queen's* sudden going to *S. James's*, her no less sudden pretended delivery; the hurrying the Child into another Room, without shewing it to those present, and without their hearing it cry; and the mysterious conduct of all since that time; no satisfaction being given to the *Princes of Denmark* upon her Return from the Bath, nor to any other *Protestant Ladies*, of the *Queen's* having been really brought to Bed. These are all such evident Indications of a base Imposture, in this matter, that as the Nation has the justest reason in the World to doubt of it, so they have all possible reason to be at no quiet, till they see a *Legal and Free Parliament* assembled; which may impartially, and without either Fear, or Corruption, examine that whole matter.

If all these matters are true in fact, then I suppose no man will doubt, that the whole Foundations of this Government, and all the most sacred parts of it, are overturned. And as to the truth of all these Suppositions, that is left to every *Englishman's* Judgment and Sense.

F I N I S.